

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 21, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"We lift up our hearts in gratitude to Thee, our Father in heaven, for the many disclosures Thou hast made of Thyself on land and sky and sea, the change of seasons, seed time and harvest, especially for the light Thou hast implanted in the soul of man which brings him in contact with Thee. To follow it is peace, joy, and contentment. To turn aside from it is discontent, sorrow, and disorder.

Inspire us by that light to walk humbly with Thee and do unto others as we would be done by. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. PLATT rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PLATT. I ask unanimous consent to take up the bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916, on which the previous question had been moved on the last Calendar Wednesday, with the decision pending on the parliamentary question as to whether the previous question could be moved on a Calendar Wednesday bill.

The SPEAKER. The gentleman from New York asks unanimous consent that, despite the rule forbidding a committee to have more than two days, he may be permitted to call up the bill which was pending on the last Calendar Wednesday.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORGAN. If the Chair rules or the House gives unanimous consent to take up this bill, does that give the Committee on Banking and Currency the right to call up any other bills to-day?

The SPEAKER. No. If the House gave permission to call up this bill, the committee's jurisdiction would end with that.

Mr. WALSH. Reserving the right to object, Mr. Speaker, if consent is not given, and the Speaker rules that the motion for the previous question is in order, and the previous question should be voted down, of course gentlemen opposed to the bill claiming recognition would be entitled to an hour's time under the rule. I doubt if we should take that chance on Calendar Wednesday, the committee already having occupied two full days with a question of that sort pending, and I object.

The SPEAKER. Objection is made. The Clerk will call the roll of committees.

PERMITTING PRIVATE BANKERS TO BE DIRECTORS IN TWO BANKING ASSOCIATIONS.

Mr. PLATT. Mr. Speaker, I move to take up the bill H. R. 13138.

The SPEAKER. The Chair thinks the gentleman is entitled to make that motion, but it will require a two-thirds vote.

Mr. WINGO. Mr. Speaker, if the Chair will indulge me a moment—

The SPEAKER. Certainly.

Mr. WINGO. The Chair's ruling involves this, that he will recognize on Calendar Wednesday a gentleman to move to suspend the rules.

The SPEAKER. The rule is—

Provided further, That whenever any committee shall have occupied two Wednesdays it shall not be in order, unless the House by a two-thirds vote shall otherwise determine, to consider any unfinished business previously called up by such committee, unless the previous question had been ordered thereon, upon any succeeding Wednesday until the other committees have been called in their turn under this rule.

Mr. WINGO. I see. I had lost sight of that. I was thinking of the general rule. I stand corrected.

The SPEAKER. It was intended that such a committee should have an opportunity.

Mr. WINGO. I see.

Mr. CLARK of Missouri. As to simply voting on this bill, I believe that the Chair has ruled that the motion is in order; but simply voting on that is not a fair test as to whether the House wants to dispense with Calendar Wednesday. The way that thing runs is, these men out here in the lobby, the Members, commence streaming in here, and some gentlemen out in the

lobby suggest how to vote or what our vote is or what the Republican vote is, or something of the sort; and it is not a fair chance to do away with Calendar Wednesday.

Mr. PLATT. Mr. Speaker, if the Chair will permit, this bill was left over from the last Calendar Wednesday, and there is no opposition to it. Whichever way the Speaker rules, it will be passed in a few minutes.

Mr. GARD. Mr. Speaker, may I ask that the bill be reported?

The SPEAKER. The Chair will state for the information of the House that the Chair does not consider that this motion would dispense with Calendar Wednesday. This would simply allow the Committee on Banking and Currency to conclude one bill, concerning which the motion is made.

Mr. CLARK of Missouri. My recollection about that is that the gentleman from Illinois [Mr. CANNON] and myself and the present Speaker are the only ones that ever had anything to do with this Calendar Wednesday rule, and my recollection is, although I would not be positive about it, that Speaker CANNON and myself both ruled that in a situation like this you could go on and vote on a bill on a third Calendar Wednesday.

The SPEAKER. That is when the previous question has been ordered.

Mr. CLARK of Missouri. Yes; that is when the previous question has been ordered.

The SPEAKER. The previous question has not been ordered on this bill. The motion for the previous question is pending.

Mr. WALSH. Mr. Speaker, is not the situation substantially this, that the gentleman from New York [Mr. PLATT], on the second Wednesday which his committee occupied, called up a bill and after some discussion moved the previous question, and that the point of order was made against that motion, and before it was decided the House adjourned? Now, the gentleman from New York simply wishes to take up that bill where it was left, to ask for a decision on that motion, and conclude the consideration of that measure, when the call of the committees will proceed.

The SPEAKER. The Chair thinks that is a correct statement of the situation. The question is on the motion of the gentleman from New York [Mr. PLATT] to consider the unfinished business which was pending on the last Calendar Wednesday.

Mr. GARD. Mr. Speaker, I ask that the bill be reported.

The SPEAKER. The gentleman from Ohio asks that the bill be reported. The Chair thinks that is a reasonable request. Without objection, the bill will be reported.

The Clerk read as follows:

A bill (H. R. 13138) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916.

Be it enacted, etc., That section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended by the act of May 15, 1916, be further amended by inserting in the proviso at the end of the second clause of said section, after the word "prohibit," the words "any private banker or," so that the proviso as amended shall read:

"And provided further, That nothing in this act shall prohibit any private banker or any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such banker or member bank.

"The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to consider this bill.

The question was taken; and the Speaker announced that two-thirds having, in his opinion, voted in the affirmative, the motion was agreed to.

The SPEAKER. The bill that has just been reported is before the House for consideration.

Mr. WINGO. Mr. Speaker, may I refresh the memory of the Chair? A motion for the previous question had been made and a point of order was pending. The determination of that point of order would be the first thing, would it not?

The SPEAKER. The Chair thinks that is the first business. The determination of this point of order is not without difficulty. It is a puzzling question. What the Chair should determine is, of course, the intent of this new rule. It has never been interpreted. Under Speaker CLARK the question was once raised, but the Speaker reserved time for deliberation, and then the question did not come up again, just as it would not have come up to-day except for the two-thirds vote of the House, and so it is a novel question.

The purpose of the Chair will be to decide the question, both in accord with what he thinks was the purpose of those who framed the rule, and also in accord with what he thinks would be for the advantage of the House in carrying out that purpose.

The original intention of the Calendar Wednesday rule was to force the consideration upon one day of the week of a certain class of business. Experience showed, however, that the rule was not accomplishing what was hoped and planned, and accordingly the rule was changed and the clause inserted which gives rise to the question before us to-day.

The rule reads—

Not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill.

The Chair is disposed to follow, in general, the line of reasoning made two weeks ago by the gentleman from Georgia [Mr. CRISP]. The phrase—

Not more than two hours of general debate shall be permitted—has some uncertainty, for although the phrase "general debate" is usually used as applying to debate in Committee of the Whole, where it is not confined to the subject of the bill, yet it is also used as to debate on a bill in the House, the initial debate covering the whole subject of the bill, and the Chair does not think that phrase alone determines the question, although it might be ruled that "general debate" applied simply to debate in Committee of the Whole. The Chair thinks it tends in that direction.

Then the phrase—

All debate must be confined to the subject matter of the bill—

applies simply to debate in Committee of the Whole, because in the House without any such provision the debate must be confined to the subject matter of the bill. But although that phrase applies simply to the Committee of the Whole it does not necessarily follow that the whole sentence has the same application. Then comes the phrase—

the time to be equally divided between those for and against the bill.

That might apply as well to bills on the House Calendar as to bills on the Union Calendar. But the main purpose of this clause was to expedite the business of the House. The Calendar Wednesday rule had fallen short of accomplishing the end for which it was originally aimed, that of giving to relatively unimportant bills one day in the week when they would be considered and removed from the calendar. By tactics which might be called filibustering the purpose of that rule had been evaded, and this provision was inserted to prevent those delaying tactics. So the Chair thinks the main purpose of adopting this rule was speed and expedition in the transaction of the business of the House on Calendar Wednesday.

That being so, it seems to the Chair that that purpose will be best furthered by holding that this clause applies to bills on the Union Calendar only and that when bills on the House Calendar are brought up on Calendar Wednesday the previous question can be ordered at any time. The only way in which that would at all controvert this rule would be that it might interfere with the phrase—

the time to be equally divided between those for and against the bill—

because the man who had the bill in charge might use five minutes and then move the previous question. He might not give to those opposed to the bill any opportunity for debate. But the Chair does not think that argument has much practical force, for it is the custom for the man in charge of a bill to recognize the equal claim to debate of those opposed, and it is very rare that in debate the time is not fairly divided. On this very bill, for instance, the gentleman having it in charge, after having used 10 minutes himself, yielded 10 minutes to a gentleman opposed to the bill. The Chair might suggest that this very bill somewhat illustrates the fact that this ruling would not interfere with fair play, but would further the main purpose of the rule and prevent filibustering and hasten action, because the Chair has more than a suspicion that the time desired in opposition was not really because of antagonism to the bill, but was aimed at prolonging the consideration of this bill, so as to occupy the Calendar Wednesday and prevent the consideration of other bills which might follow it. So this very case is an illustration of the way in which the purpose of Calendar Wednesday is sometimes being obstructed and the rule availed of for filibustering purposes.

Therefore the Chair thinks that it would best be carrying out the intention of those who framed this provision and expediting the business of the House to rule that the previous question can be ordered. That leaves it all in the control of the House, because if the House desires debate the previous question can be voted down. Therefore the Chair rules that the previous ques-

tion, which was moved by the gentleman from New York [Mr. PLATT], is in order.

Mr. WINGO. Mr. Speaker, there was some confusion on the floor and I did not hear all that the Chair said as to an equal division of the time. Does the Chair hold that under his decision, if the chairman of a committee wished to cut off debate, he could arbitrarily get up and debate the bill for one minute, and then move the previous question, and if a majority of the House saw fit to deprive the opposition, which might consist of one man, of the provision of the rule which gives him an equal amount of time, the House could do that?

The SPEAKER. The Chair holds that the gentleman can move the previous question after one minute's debate if he so desires; that he has the same power in this case as to moving the previous question that he would have at any time in the House.

Mr. WINGO. Mr. Speaker, I appreciate the difficulty of the question, and, with all deference to the Chair, I believe I will appeal from the decision of the Chair.

The SPEAKER. The gentleman from Arkansas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question being taken, on a division (demanded by Mr. WINGO) there were—ayes 59, noes 8.

Mr. WINGO. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. As many as are in favor of the decision of the Chair standing as the judgment of the House will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 15, answered "present" 5, not voting 133, as follows:

YEAS—274.

Anderson	Foster	Linthicum	Rubey
Andrews, Nebr.	Frear	Little	Sanders, Ind.
Ashbrook	Freeman	Loebergan	Sanders, La.
Aswell	French	Luca	Sanders, N. Y.
Ayres	Fuller, Ill.	McAndrews	Sanford
Babka	Gallivan	McClintie	Scott
Bacharach	Gandy	McClulloch	Sells
Barbour	Ganly	McDuffie	Sherwood
Barkley	Gard	McGlennon	Siegel
Bee	Garland	McKenzie	Sims
Begg	Garner	McLaughlin, Nebr.	Sinclair
Benham	Garrett	MacCrate	Sinnot
Bland, Mo.	Glynn	MacGregor	Sisson
Bland, Va.	Good	Mahee	Slemp
Boies	Goodall	Major	Smith, Idaho
Bowers	Goodykoontz	Mann, S. C.	Smith, Ill.
Box	Graham, Ill.	Mansfield	Snell
Briggs	Griest	Mapes	Steenerson
Brooks, Ill.	Griffin	Mason	Stephens, Miss.
Brooks, Pa.	Hadley	Mays	Stephens, Ohio
Burdick	Hardy, Colo.	Mead	Stevenson
Burroughs	Hardy, Tex.	Merritt	Stines
Byrnes, S. C.	Harrell	Michener	Strong, Kans.
Byrnes, Tenn.	Hastings	Miller	Summers, Wash.
Caldwell	Hawley	Milligan	Summers, Tex.
Campbell, Kans.	Hayden	Minahan, N. J.	Sweet
Candler	Hays	Monahan, Wis.	Swope
Carss	Hernandez	Mondell	Taylor, Colo.
Carter	Hersey	Montague	Taylor, Tenn.
Casey	Hickey	Moore	Thomas
Chindblom	Hoch	Moore, Ohio	Thompson
Christopherson	Hoe	Moore, Va.	Tilson
Clark, Fla.	Holland	Morgan	Timberlake
Clark, Mo.	Houghton	Mott	Tincher
Classon	Howard	Mudd	Tinkham
Coady	Hull, Tenn.	Murphy	Treadway
Cole	Humphreys	Nelson, Mo.	Upshaw
Connally	Husted	Nelson, Wis.	Vaile
Cooper	Hutchinson	O'Connor	Vare
Copley	Ireland	Ogden	Venable
Crisp	Jeffers	Oldfield	Vestal
Crowther	Johnson, Ky.	Oliver	Vinson
Dale	Johnson, Miss.	Olney	Voigt
Dallinger	Johnson, S. Dak.	Osborne	Volstead
Davis, Minn.	Johnson, Wash.	Overstreet	Walters
Davis, Tenn.	Johnston, N. Y.	Padgett	Wason
Dempsey	Jones, Pa.	Park	Watkins
Dickinson, Mo.	Jones, Tex.	Parrish	Watson
Dickinson, Iowa	Juul	Peters	Weaver
Donovan	Kahn	Platt	Webster
Dowell	Kearns	Pou	Welling
Dunbar	Keller	Purnell	Whaley
Dunn	Kelly, Pa.	Quin	Wheeler
Dupré	Kettner	Radcliffe	White, Kans.
Dyer	Kincheloe	Rainey, Ala.	White, Me.
Eagan	King	Rainey, H. T.	Wilson, Ill.
Echols	Kinkaid	Rainey, J. W.	Wilson, La.
Elliott	Kieccka	Randall, Calif.	Winslow
Elston	Knutson	Randall, Wis.	Wood, Ind.
Emerson	Kraus	Reber	Woods, Va.
Esch	Lampert	Reed, W. Va.	Woodyard
Evans, Mont.	Langley	Rhodes	Wright
Evans, Nev.	Lanham	Ricketts	Yates
Fairfield	Larsen	Riddick	Young, N. Dak.
Ferris	Layton	Robinson, N. C.	Young, Tex.
Fields	Lazaro	Robison, Ky.	Zihlman
Flood	Lee, Calif.	Romjue	
Focht	Lee, Ga.	Rowe	
Fordney			

NAYS—15.

Blanton	Jacoway	McKiniry	Tillman
Cannon	James	Raker	Wingo
Cleary	Leshner	Rouse	Wise
Fisher	McKeown	Taylor, Ark.	

ANSWERED "PRESENT"—5.

Evans, Nebr.	Longworth	Rodenberg	Walsh
Huddleston			

NOT VOTING—133.

Ackerman	Dent	Kennedy, Iowa	Ramseyer
Almon	Dewalt	Kennedy, R. I.	Rayburn
Andrews, Md.	Domnick	Kless	Reavis
Anthony	Dooling	Kitchin	Reed, N. Y.
Baer	Doremus	Kreider	Riordan
Bankhead	Doughton	Lankford	Rogers
Bell	Drane	Lehlbach	Rose
Benson	Eagle	Lufkin	Rowan
Black	Edmonds	Lubring	Rucker
Blackmon	Ellsworth	McArthur	Sabath
Bland, Ind.	Fess	McFadden	Schall
Booher	Fuller, Mass.	McKinley	Scully
Brand	Gallagher	McLane	Sears
Brinson	Godwin, N. C.	McLaughlin, Mich.	Shreve
Britten	Goldfogle	McPherson	Small
Browne	Goodwin, Ark.	Madden	Smith, Mich.
Brumbaugh	Gould	Mann, Ill.	Smith, N. Y.
Buchanan	Graham, Pa.	Martin	Smithwick
Burke	Greene, Mass.	Mooney	Snyder
Butler	Greene, Vt.	Moore, Ind.	Steagall
Campbell, Pa.	Hamill	Morin	Stedman
Cantrill	Hamilton	Neely	Stoll
Caraway	Harrison	Newton, Minn.	Strong, Pa.
Carew	Haugen	Newton, Mo.	Sullivan
Collier	Hefflin	Nicholls, S. C.	Tague
Costello	Hersman	Nicholls, Mich.	Temple
Crago	Hicks	Nolan	Towner
Cramton	Hill	O'Connell	Ward
Cullen	Hudspeth	Palge	Wetty
Currie, Mich.	Hulings	Parker	Williams
Curry, Calif.	Hull, Iowa	Pell	Wilson, Pa.
Darrow	Igoe	Phelan	
Davey	Kelley, Mich.	Porter	
Denison	Kendall	Ramsey	

So the decision of the Chair was sustained as the judgment of the House.

The following pairs were announced:

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.
 Mr. MANN of Illinois with Mr. DEWALT.
 Mr. RODENBERG with Mr. BELL.
 Mr. MCPHERSON with Mr. IGOE.
 Mr. NEWTON of Missouri with Mr. SMALL.
 Mr. CURRY of California with Mr. DRANE.
 Mr. WARD with Mr. GALLAGHER.
 Mr. SHREVE with Mr. CARAWAY.
 Mr. DENISON with Mr. BANKHEAD.
 Mr. WILLIAMS with Mr. STEAGALL.
 Mr. ANTHONY with Mr. DENT.
 Mr. DALLINGER with Mr. CAMPBELL of Pennsylvania.
 Mr. BUTLER with Mr. McLANE.
 Mr. FESS with Mr. HEFFLIN.
 Mr. NEWTON of Minnesota with Mr. SABATH.
 Mr. HICKS with Mr. SEARS.
 Mr. EDMONDS with Mr. COLLIER.
 Mr. GREENE of Massachusetts with Mr. DOREMUS.
 Mr. LUFKIN with Mr. SMITH of New York.
 Mr. HAUGEN with Mr. O'CONNELL.
 Mr. SNYDER with Mr. HUDSPETH.
 Mr. GOULD with Mr. MOONEY.
 Mr. ROSE with Mr. STEGMAN.
 Mr. KENNEDY of Rhode Island with Mr. TAGUE.
 Mr. PORTER with Mr. RIORDAN.
 Mr. GRAHAM of Pennsylvania with Mr. BRAND.
 Mr. MCARTHUR with Mr. RUCKER.
 Mr. TOWNER with Mr. BENSON.
 Mr. ROGERS with Mr. RAYBURN.
 Mr. STRONG of Pennsylvania with Mr. PELL.
 Mr. MCKINLEY with Mr. WELTY.
 Mr. MORIN with Mr. WILSON of Pennsylvania.
 Mr. TEMPLE with Mr. BLACK.
 Mr. GREENE of Vermont with Mr. ALMON.
 Mr. RAMSEY with Mr. GODWIN of North Carolina.
 Mr. KREIDER with Mr. MARTIN.
 Mr. KENDALL with Mr. BRUMBAUGH.
 Mr. ACKERMAN with Mr. STOLL.
 Mr. SMITH of Michigan with Mr. NEELY.
 Mr. HULL of Iowa with Mr. PHELAN.
 Mr. MADDEN with Mr. SMITHWICK.
 Mr. HAMILTON with Mr. HAMILL.
 Mr. KELLEY of Michigan with Mr. BLACKMON.
 Mr. BURKE with Mr. BOOHER.
 Mr. PARKER with Mr. LANGFORD.
 Mr. KLESS with Mr. EAGLE.
 Mr. CRAGO with Mr. BRINSON.

Mr. LEHLBACH with Mr. SCULLY.
 Mr. REAVIS with Mr. HERSMAN.
 Mr. LUHRING with Mr. NICHOLLS of South Carolina.
 Mr. MOORES of Indiana with Mr. ROWAN.
 Mr. PAIGE with Mr. SULLIVAN.
 Mr. ELLSWORTH with Mr. CULLEN.
 Mr. HULINGS with Mr. GOODWIN of Arkansas.
 Mr. DARROW with Mr. BUCHANAN.
 Mr. CURRIE of Michigan with Mr. DAVEY.
 Mr. BROWNE with Mr. HARRISON.
 Mr. BLAND of Indiana with Mr. DOMINICK.
 Mr. McLAUGHLIN of Michigan with Mr. DOUGHTON.
 Mr. BAER with Mr. GOLDFOGLE.
 Mr. ANDREWS of Maryland with Mr. DOOLING.
 Mr. KENNEDY of Iowa with Mr. CANTRILL.
 Mr. COSTELLO with Mr. CAREW.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the motion of the gentleman from New York for the previous question on the bill. The question was taken, and the previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WINGO) there were 143 ayes and 10 noes.

So the bill was passed.

On motion of Mr. PLATT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. COLLIER, by unanimous consent, was given leave of absence as of April 14 for an indefinite period on account of sickness in his family.

CELEBRATION OF ONE HUNDREDTH ANNIVERSARY OF ADMISSION OF STATE OF MAINE.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Coinage, Weights, and Measures.

Mr. VESTAL. Mr. Speaker, I call up the bill (H. R. 12460) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That, as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union as a State, there shall be coined at the mints of the United States silver 50-cent pieces to the number of 100,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coining, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided,* That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. PETERS].

Mr. PETERS. Mr. Speaker, the proposition involved in this bill is to use a special design in the coinage of \$50,000 worth of half dollars in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union. The bill is based exactly on the act passed in the Sixty-fifth Congress in a similar case, in the matter of the admission of the State of Illinois. The rights of the Government have been entirely protected, as we believe, in the bill. No expense is involved on the part of the Government of the United States, the expense of preparing dies and all other details being taken care of by the State of Maine. The design prepared by the State under the terms of the bill must be approved by the Director of the Mint. There is the same amount of silver in the proposed half dollar as in the ordinary coined half dollar.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. PETERS. Yes.

Mr. TILSON. Is this to take the place of the coinage of any other half dollars during the next year?

Mr. PETERS. This does not change the regular business of coinage. It simply uses this design on \$50,000 worth of 50-cent pieces. It has no other effect on the coinage.

Mr. TILSON. It is well known that silver at the present time is at a very high price as compared with the former price or with the price as measured by gold. Will there be any difficulty in securing the silver metal or the additional amount of silver metal to make into these coins?

Mr. PETERS. I understand there will not be. The Government is coining 50-cent pieces, of course, from time to time, and in the next \$50,000 that is being coined, if this bill should become a law, this special design will be used. There is no expense whatever attached to the transaction on the part of the Government. We believe it to be a suitable and desirable way of recognizing an important historical event.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. MILLER. Who is bearing the expense of the dies?

Mr. PETERS. The State of Maine pays all of the expense of the dies.

Mr. MONTAGUE. Has this measure the approval of the Treasury Department?

Mr. PETERS. It has the approval of the Secretary of the Treasury and of the Director of the Mint. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill to final passage.

Mr. GARD. Mr. Speaker, I trust the gentleman will not move the previous question until we can get some information in respect to the bill.

Mr. VESTAL. I withhold the motion, Mr. Speaker.

Mr. GARD. Mr. Speaker, I regret that I could not hear all of the explanation of the gentleman from Maine [Mr. PETERS]. Is it the purpose to have the \$50,000 worth of these coins redeemed after the anniversary? I presume that when the anniversary is had the coins will be used in connection with the celebration. Then, naturally, after the celebration shall have ceased, outside of the sentimental or souvenir value, there will be no reason for the continuation of this particular design. Is there any provision in this bill for its discontinuance or for the redemption of the coins?

Mr. PETERS. Not at all; there could not be. The coins will be used exactly as any other 50-cent pieces are used. They will simply go into circulation with a special design upon them, as was the case in the State of Illinois some years ago.

Mr. GARD. I understand that, but what I am trying to get at is this: Some of the thrifty people in the State of Maine will take some of these 50-cent pieces and put them away where they will never see the light of day again, at least among people who circulate money by spending it. Is there going to be any power of redemption, or are these coins still to roam through our currency system?

Mr. PETERS. There is going to be no special power of redemption. They will continue to roam so long as they are in circulation. It can not be otherwise.

Mr. GARD. I see that section 2 provides for the transportation, distribution, and redemption of the coins in accordance with the laws now in force relating to subsidiary coinage.

Mr. PETERS. Certainly, so far as any coins are redeemed. These will have no special consideration and no special privilege. The general laws in respect to coinage apply to these 50-cent pieces just as to other 50-cent pieces.

Mr. GARD. I have in my hand Public, No. 163, which relates to the coinage of 50-cent pieces for the celebration of the anniversary of the admission of the State of Illinois into the Union. A hasty examination shows that the bill under consideration is the same as that contained in act No. 163.

Mr. PETERS. It is exactly the same, changing, of course, the United States?

Mr. GARD. Is there any provision about the dies, which shall not be made at Government expense, becoming the property of the United States?

Mr. PETERS. I think the law provides for that now. The law in force provides that all such dies shall be the property of the United States. They are made under the direction of the Director of the Mint.

Mr. GARD. Asking pardon for my crass ignorance on the matter, will the gentleman kindly advise me when this celebration is to be had?

Mr. PETERS. It is in progress now, and will be all of this year in the State of Maine.

Mr. GARD. There is no particular time at which a celebration will be had?

Mr. PETERS. Different towns and cities take up the matter during the summer and will have special celebrations, but it will be a general year of reunions and celebrations in the State of Maine in honor of our centennial.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE IN COMMEMORATION OF ADMISSION OF STATE OF ALABAMA INTO THE UNION.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 12824.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12824) to authorize the coinage of 25-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union.

Be it enacted, etc., That as soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union as a State, there shall be coined at the mints of the United States silver 25-cent pieces to the number of 100,000, such 25-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 25-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The committee amendments were read, as follows:

Page 1, line 6, strike out "25-cent" and insert in lieu thereof "50-cent."

Page 1, line 7, strike out "25-cent" and insert in lieu thereof "50-cent."

Page 2, line 2, strike out "25-cent" and insert in lieu thereof "50-cent."

Mr. VESTAL. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. RAINEY]. [Applause.]

Mr. RAINEY of Alabama. Mr. Speaker, the purpose of this bill is to commemorate the one hundredth anniversary of the admission of the State of Alabama into the Union, which occurred December 14, 1819. The Committee on Coinage, Weights, and Measures, of which I have the honor of being a member, unanimously reported the bill favorably to the House. The original bill provided for the coinage of one hundred thousand 25-cent pieces, while the present bill, as amended, provides for the coinage of one hundred thousand 50-cent pieces in commemoration of that important historical event, and I now ask your favorable consideration and support for the passage of the bill.

Alabama's history and her traditions occupy a distinguished chapter in the history of our great Republic. Her agricultural and mineral resources constitute vast wealth, and her contribution to the Republic in eminent statesmen, orators, soldiers, educators, and sterling citizenship surpasses her untold and inestimable material wealth.

Hernando De Soto, a Spanish cavalier, ambitious to surpass in glory the exploits of Cortez, another Spanish cavalier, applied for and received a commission from the Spanish King, Charles V, to invade and subject the region then known as Florida. He organized a troop of bold adventurers and, after long, weary marches and many bloody engagements with Indian tribes, eventually succeeded in traversing that territory now known as the States of Florida and Georgia, and crossed what is now the Alabama-Georgia State line and entered Cherokee County, Ala., July 2, 1540. This event marks the first entrance of the white man into the domains of Alabama. Crossing the Coosa River, De Soto marched to Tallassee, stopping en route on a hill where now stands the majestic capitol of the State. At Montgomery De Soto met the Indian chief Tuskaloosa, whose reign extended over the broad territories bordering the Alabama and Tombigbee Rivers. From Alabama De Soto found his way into Mississippi, then into Tennessee, and on April 25, 1541, at Chickasaw Bluff, he discovered the Mississippi River. De Soto, fired by ambition and lured on by two desires, that of transcending the achievements of Cortez and to find the vast wealth of gold and gems of which he had heard such glowing stories, utterly failed in the accomplishment, and with blighted hopes he passed away and was buried in the waters of the Mississippi.

For more than a century and a half, so far as history discloses, Alabama was not visited by a solitary white man. In the year 1682 the French Government, under Louis XIV, with designs of conquest and the building of a mighty empire in

the New World, commissioned La Salle to explore the Mississippi River and in the name of France possess all that vast territory drained by the great river. In 1699 the first French colonists anchored near Mobile Point, settled at Biloxi, Miss., and in 1709 settled Mobile under the direction of Iberville, after whose death Bienville governed the colony for 30 years. With varying fortunes Mobile passed into Spanish possession, then to British, and again, in 1780, following a victory by Galvez over the British, Mobile fell into the hands of the Spanish. For more than 32 years it remained under Spanish rule. On April 15, 1813, Mobile was acquired by the United States through conquest, and the Stars and Stripes waved above its fort.

Alabama as a Territory of the United States developed rapidly. Settlers came in from Georgia, Florida, South Carolina, and North Carolina. The early history of the Territory abounds in battles and adventures with the Indians. The most notable of all the battles with the red men is that of Horseshoe Bend, near my boyhood home, in Tallapoosa County. It was here that Gen. Jackson drove the Indians into the bend of the Tallapoosa River and, after desperate and bloody fighting, slaughtered them by the hundreds. Many Americans were killed, the Indians bravely fighting to the last, many of them refusing mercy. In this battle Maj. L. P. Montgomery, after whom Montgomery County is named, was slain. The renowned Sam Houston, famous in Texas as well as in Alabama, was wounded in the same battle.

The early history of Alabama is checkered with thrilling adventure and romance. It was here that De Soto ended his brilliant and romantic career; it was here that Aaron Burr, that brilliant though debased conspirator, was arrested and thence conveyed to Washington for trial as a traitor; it was here that the exiled friends of Napoleon landed following his defeat at Waterloo. Courtiers and statesmen, brave generals who had achieved fame upon the proudest battle fields of the Old World, beautiful women whose presence once graced the courts of Europe, came as exiles and outcasts. Near Demopolis, Ala., the colony settled and there lived until the Bourbons, relaxing their hatred, recalled many of them. Others settled in the cities of the West, and few remained in the State.

The political life of Alabama, until it was admitted in 1819 into the Union of States, comprises the history of the Spanish, French, British, and American government of that territory which is now the State of Alabama. Its control has been under the flags of four nations, and in the sixties the flag of the Southern Confederacy floated from her capitol, where now waves the Stars and Stripes—now and forever. Many were the eminent statesmen, orators, and educators who directed the growth and development of this great State from its birth. William R. King, statesman and orator, contributed his great talents and service to the State. He served in Congress, in the Constitutional Convention, United States Senate, was minister to France, and in 1852 was elected Vice President of the United States. Alexander B. Meek is the father of the public-school system in Alabama, and in 1853 introduced a bill to establish and maintain a system of free public schools in this State. The term of Gov. Thomas Bibb, 1820–21, marks an era of great prosperity. Settlers flocked to the State, newspapers were established, steamboat companies were organized, the University of Alabama was chartered, lands were opened for settlers, and schools were established. In 1825 Gov. Pickens received, in Montgomery, Gen. Lafayette, the bosom friend of George Washington, as the State's guest. The people greeted him with a continuous ovation in his journey from Montgomery to Mobile. The brilliant William L. Yancey entered politics in Alabama in 1841, served in Congress, became leader of southern Democrats, was commissioner to England, drew up the ordinance of secession and secured its passage. William L. Yancey, orator and statesman, has been rightly called the "Demosthenes of the South."

Among Alabama's great men I may justly mention Henry W. Hilliard, statesman, orator, and educator. He was minister to Belgium under Harrison and minister to Brazil under Hayes. Among the distinguished Alabamians who won the rank of general in the cause of the Southern Confederacy are James A. Longstreet, Josiah Gorgas, W. W. Allen, Daniel Leadbetter, Cullen A. Battle, James Cantey, J. T. Holtzclaw, James H. Clanton, Henry D. Clayton, and Sterling A. M. Wood. The daring exploits of Admiral Raphael Semmes are known to the world, and the Confederate cruiser *Alabama* is celebrated in the annals of naval history. Beside John Paul Jones, who sailed his ship under the cliffs of the English Channel, Raphael Semmes stands without a peer. During the trying days of the Civil War deeds of heroism and valor were not confined to

the men of my State. There were deeds of heroism, brave sacrifice, and uncomplaining suffering on the part of the noble women of Alabama, whose virtues and deeds are not recorded on the pages of human history.

Of the many heroic women of that State there is one, at least, whose name lives in history, whose heroism is clothed in beautiful verse of many poets, and whose memory is perpetuated in marble and granite. In Gadsden, my home city, Emma Sansom lived as a girl. A monument to her memory stands on the banks of the Coosa River. Almost within the limits of the city, preserved by the State, is the old Sansom homestead, where the heroine spent her girlhood days. Gen. Forest, in his pursuit of Col. Streight, whose raiding force of 2,000 men were headed for Rock Run Furnace, in Cherokee County, to destroy it, together with connecting railway lines to Rome, Ga., when he reached the swollen waters of Black Creek he had almost overtaken Streight and needed a guide to conduct him to a ford of the creek. Emma Sansom volunteered and leaped on the horse behind the general. Soon shot and shell were striking about them, but bravely this 16-year-old girl piloted the general to a safe landing. He continued his pursuit of Streight, and, by strategy and skill, captured him and his 2,000 picked troops at Laurence, Cherokee County, with a force of barely 600 men.

Gen. Joseph Wheeler, a veteran of two wars, served for many years in this House. He rendered valiant service to the Confederacy, and in the War with Spain Gen. Wheeler donned the "blue," unsheathed his sword for his country, and carried the Stars and Stripes to victory at Santiago. As a reward for his gallantry President McKinley appointed him a major general. He served a short period in the Philippines, was retired as a major general, and died a few years thereafter. His remains now repose in beautiful Arlington Cemetery, on the banks of the Potomac, beneath the tallest monument adorning that great national burying ground. Alabama has furnished one Justice to the United States Supreme Court, Justice John A. Campbell. She has contributed many statesmen, soldiers, orators, and men and women of letters. Among the latter I recall the names of Mrs. Chaudron, Mrs. Octavia Le Vert, Mrs. Elizabeth Bellamy, Mrs. Augusta Evans Wilson, T. C. De Leon, Joseph Hamilton, Hannis Taylor, Abram J. Ryan, Dr. Thomas M. Owen, Albert A. Mullen, Samuel Mintern Peck, William Russell Smith, Mary Johnson, Dr. J. L. M. Curry, whose statue now adorns Statuary Hall in this Capitol, and many others whose names I can not now recall.

Alabama's dark days of reconstruction, like those of every other Southern State, are not matters of pleasant reminiscence, and I shall forego any further reference here. Suffice that it be said, Alabama and her people are true. In the War with Spain she cheerfully contributed her brave sons, and in the world's Great War the flower of the State, in the Rainbow Division, astonished the world, broke the Prussian Guard, and carried Old Glory to victory. The names of these brave men would fill a volume. Hundreds of them I know personally, many of whom now sleep amid the poppies in Flanders Field.

I should prove recreant to duty if I failed to mention Alabama's three grand old men—Gen. Pettus, John T. Morgan, and John Hollis Bankhead. John T. Morgan's great fight for the Nicaragua Canal ultimately resulted in opening the work at Panama, but it remained for another Alabamian to consummate the great plan—Gen. William L. Sibert, of Gadsden, Ala. The work of John Hollis Bankhead stands as a monument to the great material development of Alabama.

Of the mineral and agricultural wealth of Alabama and her material development I have not spoken. Her growth in population, her splendid cities, her vast resources, stand as monuments to the world and need no encomium from me. Recently \$50,000,000 were voted in bonds to build highways in the State. Mobile Bay furnishes a splendid harbor; the Alabama is navigable; the Warrior has been made so with locks and dams; the Coosa, larger than the Warrior, by the maintenance of the storage or reservoir system will furnish a great artery of commerce to the Gulf.

Alabama has risen from the ashes of war and the desolation of reconstruction to its present exalted station. With you her citizenship rejoices in the prosperity and glory of the Republic. Her people, devoted and true, are ever ready to respond to duty's call in defense of flag, home, and country. In all that is good and great for the advancement of America, whether it be sacrifice in time of war or labor in days of peace, Alabama is ever ready to respond with all her resources and with all her strength. [Applause.]

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. I will yield.

Mr. GARD. I was wondering whether the committee had taken into consideration this question. Of course, I do not

like to oppose, and hardly anyone here would oppose, and I favor the purpose of issuing these commemorative coins, but what I would like to know is how many of these constructive measure bills the Committee on Coinage, Weights, and Measures are now going to bring out, and I speak of that seriously for this reason: The integrity of money is maintained largely and more easily with the integrity of design. Now, where designs are made numerous and fantastic, as they may be for the purpose of a centennial or a memorial celebration, have the gentlemen on the Coinage, Weights, and Measures Committee borne in mind the difficulty as incident to coinage measures with respect to the increase of the possibility of counterfeiting? I speak of that because it would seem to me if we are going on with a number of these half dollars for Maine, Arkansas, Alabama, Ohio, Pennsylvania, and Massachusetts, and they are each to have State half dollars, because that is what it amounts to, are not we in danger of overdoing the proposition? Are not we getting away from the stability of design which makes people understand what it means, and are not we in danger of laying ourselves open to fantastic and frivolous currency which in the future must be redeemed by the issuance of stable coins representing 50 cents?

Mr. VESTAL. I will say to the gentleman that the point raised is a serious one. These bills were sent to the Secretary of the Treasury for his report, and I might say that there is only one other bill of this kind. His suggestion is along the same line of the gentleman from Ohio, that there ought not to be too many of these bills for that reason.

Mr. GARD. Well, his only suggestion I see in the report is in the letter—I have not the favor of the whole letter, but I speak from the part used by the committee—where he states that the department has no specific recommendation to make.

Mr. VESTAL. That is the report that is given to the committee, and a personal conversation with him after these three bills had been reported.

Mr. GARD. What is the other bill to be reported?

Mr. VESTAL. H. R. 13227.

Mr. GARD. What is it about?

Mr. VESTAL. It is a bill introduced by Mr. WALSH of Massachusetts to commemorate the landing of the Pilgrims.

Mr. GARD. Is there also to be a coin for the anniversary of the landing of the Pilgrims?

Mr. VESTAL. Yes; there is to be a coin.

Mr. GARD. A 50-cent coin, too?

Mr. VESTAL. A 50-cent coin.

Mr. GARD. That simply illustrates the drift of things I have been trying to explain. I am sure with everyone here I am in favor of having a big celebration wherever these State celebrations occur, because I think that makes for a better public spirit, but for the life of me I can not see what advantage there is for a State celebration to gather up a lot of coins with a particular stamp on them. It seems to me rather to cheapen the national coin, because it looks like an old-fashioned medal at a county fair rather than the half dollar of the daddies, to use the old expression. I think that these propositions are open to serious objection, which, of course, should be voiced by the Secretary of the Treasury, because if the Secretary of the Treasury and his executive officers are willing to take up the burden of maintaining these coins and seeing that they are not counterfeited, seeing that the dies are protected and they are not used except for the purposes authorized by the act, then surely there could not be much complaint from the legislative side, but I speak the way I do because it seems to me upon serious reflection that we are in actual danger of overdoing this commemoration coin stuff, and instead of making it an attribute which would inure to the benefit of the State or community, we are going beyond that and are cheapening our coin. I hope the gentleman and his committee will bear in mind in slight measure what I have said regarding it, at least for transmission to the Secretary of the Treasury.

Mr. VESTAL. Mr. Speaker, I will be glad to do that. Mr. Speaker, I move the previous question on the bill and all amendments.

The question was taken, and the previous question was ordered.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union."

On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE IN COMMEMORATION OF THE LANDING OF THE PILGRIMS.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 13227.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13227) to authorize the coinage of a 50-cent piece in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the landing of the Pilgrims there shall be coined at the mints of the United States silver 50-cent pieces to the number of 500,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. VESTAL. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, this measure is along the line of those previously passed. I want to say that I appreciate the suggestion made by the gentleman from Ohio [Mr. GARD], but I would direct his attention to the fact that the Congress is not establishing any new practice in authorizing these souvenir coins in commemoration of important historic events. At the time of the World's Fair in Chicago they authorized, I believe, the coinage of five million 50-cent pieces. We seldom see any of them in circulation now. I suppose they have either been lost or have gone into the hands of souvenir hunters, and are treasured mementoes of that great event.

Of course, there is no need to elaborate upon the importance of the great event which these coins are authorized to commemorate in part. If the gentleman from Ohio has any new questions in connection with these matters that have come up in his mind, I shall be very glad to attempt to answer them.

Mr. GARD. I would like to have information from the gentleman about the merits of the bill for which he stands sponsor. I know the bill provides for 500,000 of these 50-cent pieces, thus raising the limit over the State of Maine by some 400,000.

Mr. WALSH. Yes. This is a tercentenary instead of a centenary. It is a three hundredth anniversary instead of a one hundredth anniversary.

Mr. GARD. I understand. So the gentleman's idea is that if we could dig up a four hundredth anniversary, they would be entitled to still more?

Mr. WALSH. Yes, sir.

Mr. GARD. Has the gentleman in his general store of information knowledge as to how many half dollars there are in the United States?

Mr. WALSH. No; I have not. I will say to the gentleman I seldom see one, and it is a pretty difficult matter to keep track of them, but there are a very large number. I think if they were all placed to my credit I would be perfectly willing—

Mr. GARD. I ask the gentleman's indulgence for a moment to inquire of the chairman of the committee, the gentleman from Indiana [Mr. VESTAL], if he has any information, in the confusion of coins, as to how many 50-cent pieces there are issued?

Mr. WALSH. Does the gentleman mean how many different designs?

Mr. GARD. How many in bulk or amount?

Mr. VESTAL. I have not that information.

Mr. GARD. How large an amount of 50-cent pieces in money is the United States sponsor for now as issued from its mints?

Mr. VESTAL. I am not able to give the gentleman that information.

Mr. WALSH. Has the gentleman from Ohio any further question?

Mr. GARD. No; I have not any further question.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WALSH. I will.

Mr. MILLER. I see that this bill is in relation to the commemoration of the landing of the Pilgrims. At what place, Provincetown or Plymouth?

Mr. WALSH. In Massachusetts.

Mr. MILLER. That includes both the landing at Provincetown and at Plymouth?

Mr. WALSH. They made the first landing at Provincetown, and then made their settlement at Plymouth.

Mr. MILLER. With 9 or 10 days' difference.

Mr. WALSH. About a month.

Mr. DUNBAR. Mr. Speaker, these half dollars, as I understand, will contain more than 50 cents' worth of silver bullion?

Mr. VESTAL. These pieces authorized to be coined here will have the same amount of silver as the ordinary half dollar.

Mr. DUNBAR. The ordinary half dollar, as I understand it, is at a premium. If the silver dollar is melted into bullion, it will bring more than a dollar. Will these silver half dollars which are to be coined contain more than 50 cents' worth of silver bullion?

Mr. VESTAL. I can answer the gentleman by saying there will be no difference.

Mr. DUNBAR. I know there will be no difference. You stated that. What I want to know is how much silver will actually be in these half dollars, and if there is an expense to be incurred by reason of their coinage will the United States bear that expense?

Mr. VESTAL. Oh, no.

Mr. DUNBAR. Who will bear it?

Mr. VESTAL. The State of Massachusetts.

Mr. Speaker, I move to amend the bill, on line 6, page 1, by striking out the word "five" and inserting in lieu thereof the word "three."

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VESTAL: Page 1, line 6, strike out the word "five" and insert in lieu thereof the word "three."

Mr. GARD. What is the reason for that?

Mr. VESTAL. The committee in consideration of this measure reported 300,000 instead of 500,000, but in the printing of the bill—

Mr. GARD. The bill as it came out was for 500,000?

Mr. VESTAL. Yes; it was a mistake in the printing of the bill.

Mr. GARD. Is this a committee amendment?

Mr. VESTAL. It is.

Mr. GARD. For 300,000?

Mr. VESTAL. For 300,000 instead of 500,000.

Mr. GARD. Is there any thought in the mind of the gentleman from Indiana or in the mind of the gentleman from Massachusetts that there will be any increased purchasing power of these half dollars issued for the tercentenary celebration?

Mr. WALSH. Why, I think very likely, particularly on Cape Cod.

Mr. GARD. I trust that I may have an opportunity of spending a few days there.

Mr. WALSH. I think that each of the three States that are interested in these measures will be very glad to have the gentleman within its borders for the purpose of acquiring and assisting in circulating some of these special coins.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. VESTAL. Mr. Speaker, I want to move to amend the title by striking out "a 50-cent piece" and inserting in lieu thereof "50-cent pieces."

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the title by striking out the words "a 50-cent piece" and insert in lieu thereof "50-cent pieces."

The SPEAKER. Without objection, the amendment is agreed to.

On motion of Mr. VESTAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARDS OF MEASURES.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 12350.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill. The gentleman from Massachusetts [Mr. WALSH] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12350, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12350, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to dispensing with the first reading of the bill?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. VESTAL] is recognized.

Mr. VESTAL. Mr. Chairman, this bill seeks to standardize hampers, round-stave baskets, and splint baskets for fruits and vegetables and is along the line of the legislation that has heretofore been passed by Congress standardizing the Climax grape baskets and other fruit containers. The bill provides for five different sizes of hampers. At the present time there are something like 49 different styles or varieties of hampers and about 34 different sizes.

The photograph I have here [exhibiting same] will give the committee an idea of the different varieties and sizes of hampers that are now being used in the United States in the marketing of fruits and vegetables. This bill proposes to eliminate about 30 sizes and to standardize 5 different sizes of hampers.

The committee can readily see that with the hampers that are now being used, ranging all the way from the size of a quart to 50 quarts, in the use of a 27-quart hamper or a 28-quart hamper the ordinary consumer can not tell the difference between that and a bushel, and the styles and sizes are made in such a way that the ordinary layman could not tell the difference between a hamper containing 27 quarts and a hamper containing 32 quarts. So the bill proposes to standardize the peck hamper, the half-bushel hamper, the five-eighths-bushel hamper, the bushel, and the bushel and a half, eliminating all the other different sizes and styles of hampers.

The same thing applies to the round-stave basket. This photograph [indicating] shows the number of sizes and styles of the round-stave basket. The bottom row illustrates what the sizes of the baskets will be if standardized under this bill, except that we have included in the bill a five-eighths bushel round stave basket, making five sizes of the round stave basket and eliminating about 30.

This photograph [indicating] illustrates what was done by recent legislation in Congress in the way of standardizing the small fruit basket. The bottom photograph shows the number and sizes of baskets that were in use before the standardization bill was passed. At the top are shown the ones that are in use now.

Mr. JUUL. Mr. Chairman, will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. JUUL. Is there anything in this legislation that shall settle the question whether the bottom of the basket shall be in the bottom or up in the middle? [Laughter.]

Mr. VESTAL. Yes.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARD. By whom are these illustrations of obsolete and new designs prepared?

Mr. VESTAL. By the Bureau of Markets. This photograph shows at the top the number of splint baskets and sizes and styles that are now used. The bottom shows what would be the sizes under this bill—8 quarts, 12 quarts, 16 quarts, 20 quarts, and 24 quarts. The photograph that I showed a moment ago illustrates what the committee has included, the five-eighths bushel basket.

Mr. CASEY. Why a five-eighths basket?

Mr. VESTAL. The bill as originally drawn excluded the five-eighths bushel basket. Extensive hearings were had on this bill. It developed that in the marketing of tomatoes especially the five-eighths bushel basket was used in every State, practically, where they were marketing tomatoes. Especially in the States of New Jersey, Delaware, Maryland, Indiana, and Ohio they were using the five-eighths bushel baskets, and the evidence before the committee convinced the committee that it was a size that ought to be included. In fact, it is a large half bushel—five-eighths—so that there can be no mistaking it. You get a large half bushel instead of a small. There would be no deception there, and there would be no mistaking the five-eighths for a full-sized bushel.

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. EVANS of Nevada. Is that to be stamped by the Government?

Mr. VESTAL. No; these containers under the bill are not supposed to be stamped. We are fixing the dimensions and capacity of these baskets so that they must contain a half bushel, or bushel, or bushel and a half.

Mr. EVANS of Nevada. But they are plain, and no stamping is required?

Mr. VESTAL. No; but it is made unlawful to manufacture any other sizes.

Mr. KNUTSON. There is no necessity of stamping if it is made unlawful to use any other sizes.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. BROOKS of Pennsylvania. I want to inquire if there is anything in this bill that requires the contents of the container to be marked on the outside of it?

Mr. VESTAL. No.

Mr. BROOKS of Pennsylvania. I think the bill should be amended so that the capacity of the container should be marked on the outside, so that people purchasing any of these products in baskets may know just what they are getting. For instance, a woman or a general purchaser does not know the difference between the appearance of a five-eighths bushel or one-half bushel.

Mr. LAYTON. If the gentleman will allow me to explain, I may say that the five-eighths bushel basket will not be used in the marketing of general food products. Under the evolution of the tomato industry it has been found that for field work, for factory work, and for all work connected with the gathering, handling, and delivery of the tomato the five-eighths basket is the maximum amount of the vegetable that can go without crushing in the hamper, and is the one size that can best be used in the field for the ordinary boy or girl or man to carry. Anything under it is a loss of 20 per cent, and anything above it is too much to handle and results in loss of efficiency.

Mr. BROOKS of Pennsylvania. But in the regular marketing of fruits and vegetables I think that the basket should be marked to show just exactly what it contains, so that the purchaser going to the market or going to the store may know just what amount of fruit or vegetables he buys.

Mr. LAYTON. Does the gentleman suppose anybody would have any difficulty in seeing the difference between a peck measure and a half bushel, or between a half bushel and a bushel?

Mr. BROOKS of Pennsylvania. No; they would have no difficulty concerning that, but they could not tell the difference between a five-eighths bushel measure and a four-eighths bushel measure.

Mr. LAYTON. The five-eighths of a bushel does not enter into this matter at all for general purposes. It is only for tomatoes, and the experience of 30 years shows that a five-eighths basket is the evolution of utility for the handling of that one special product.

Mr. BROOKS of Pennsylvania. Take the case of peaches.

Mr. LAYTON. They are not put in five-eighths baskets.

Mr. BROOKS of Pennsylvania. They are put in all kinds of baskets.

Mr. GARD and Mr. JUUL rose.

Mr. JUUL. Will the gentleman yield?

Mr. VESTAL. I want to yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. I am glad to yield to the gentleman from Illinois.

Mr. JUUL. What is the use of having a basket that, if it was full, would contain a bushel, if there is not in the law something compelling the seller of the merchandise to put a bushel of stuff into it? You are simply dealing with baskets here. I want to see it made compulsory that the basket shall contain its full capacity.

Mr. LAYTON. It must be full or it can not go into interstate commerce.

Mr. JUUL. Is there anything in the law which compels that?

Mr. LAYTON. Yes.

Mr. JUUL. The gentleman from Indiana [Mr. VESTAL] said no.

Mr. VESTAL. The committee have excluded the filling provision that was originally in the bill, for the reason that there is now pending in the House a bill reported from the Committee on Agriculture amending the pure food and drugs act which compels the filling of all these containers according to strict com-

mercial practice. That is the reason why it was eliminated from this bill.

Mr. JUUL. Does not the gentleman think this would be a good place to have it?

Mr. VESTAL. I am not so sure about that. This bill seeks simply to provide certain containers, making it unlawful to manufacture, sell, or offer for sale, for instance, a 27-quart measure or a 28-quart measure. Those are all cut out. This is done so that if the ordinary person goes in to buy a bushel of potatoes the basket which holds those potatoes shall be a bushel basket.

Anybody can see whether or not the bushel container is full, but can not tell so much about the size of the container. For instance, this particular thing developed in the hearings, which satisfied my mind with reference to the justice of this sort of legislation: Gentlemen were before the committee asking for the retention of the 14-quart basket or hamper. They claimed that they needed that in their business, that it was absolutely necessary. I asked one of them, "Why do you desire to keep the 14-quart basket? Why not eliminate the 14-quart basket? We have the 16-quart or half-bushel basket. Why is not that sufficient?"

He immediately replied, unwittingly, I suppose, "The reason we want the 14-quart basket is because we get just as much money for 14 quarts as we do for 16 quarts."

That is, they were putting over on the public a 14-quart basket for a 16-quart basket.

Mr. BROOKS of Pennsylvania. That is the very reason why I shall insist that the container shall be marked so as to show just exactly what it contains, so that people will know exactly what they are buying.

Mr. VESTAL. I see the force of the gentleman's contention.

Mr. BROOKS of Pennsylvania. People go to markets and stores and buy fruits and vegetables by the basket, and many of them do not have any idea whether they are getting half a peck or three-quarters of a peck.

Mr. VESTAL. If there is no such thing as a 14-quart basket on the market, and if there is nothing but a 16-quart basket, the purchaser is bound to get 16 quarts whether it is marked on the outside of the basket or not.

Mr. KELLAR. Is there not a law now on the statute books, which was reported by the Committee on Agriculture, providing that containers must be marked to show how much they contain?

Mr. VESTAL. I think those are only State laws which compel the marking of the package. This bill does not provide for it.

Mr. STRONG of Kansas. What is the objection to providing in this law that they shall mark the baskets to show the sizes?

Mr. VESTAL. I do not know that there is any objection to it, but I do not believe it will help any.

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. I yield to the gentleman from Ohio.

Mr. GARD. I want to get some information about the bill, and I ask the gentleman's indulgence. There is an existing law fixing the standard barrel for fruits, vegetables, and other dry commodities. That law was passed by the Sixty-third Congress. I take it that it relates exclusively to the barrel as a standard container, does it not? It seems to be a standard barrel for fruits, vegetables, and other dry commodities, other than cranberries.

Mr. VESTAL. That covers cases where the barrel is used.

Mr. GARD. Is it commercially necessary to follow the language of our present law, as you do here in part only? You say the standard hamper for fruits and vegetables shall be a one-peck hamper, one-half bushel hamper, and so forth. Is it necessary to say that this standard hamper for fruits and vegetables and other dry commodities other than cranberries shall be of a certain dimension? In other words, when we passed the standard-barrel bill there seemed to have been a different scale or standard applied to cranberries from the one applied to fruits, vegetables, and other dry commodities. Probably the gentleman from Delaware [Mr. LAYTON] can tell about cranberries. What I want to know is, first, whether this language should be included in the present bill?

Mr. VESTAL. I will say to the gentleman that I am not sure about that. We had Mr. Downey, of the Bureau of Markets, before the committee, and he went over the language very thoroughly. That did not occur to me, and I do not know whether that language should be included or not.

Mr. GARD. When we passed this bill I remember that there was quite a discussion about the cranberry barrel and the barrel provided for other than fruits and vegetables. There seemed to be a difference between barrels for the use of dry

commodities and wet commodities. Of course the wet commodities have largely ceased.

The CHAIRMAN. The gentleman from Indiana has consumed 20 minutes.

Mr. VESTAL. I will take five minutes more, Mr. Chairman.

Mr. GARD. I want to call the gentleman's attention further to this.

Mr. VESTAL. It seemed to me that in regard to the standard-barrel act, cranberries are packed in a different sort of a barrel from other commodities and is exempt.

Mr. GARD. Cranberries are exempt in the barrel act.

Mr. VESTAL. We are not seeking to standardize the barrel, but certain hampers that are not used in the marketing of cranberries.

Mr. GARD. I am referring to the additional phrase "other dry commodities."

Mr. LAYTON. Will the gentleman yield?

Mr. GARD. I will.

Mr. LAYTON. There is a difference between cranberry and other fruits for this reason: There is no one who would buy cranberries except from the retailer, and therefore a variety of kinds of packages for cranberries are not so necessary, because they will be distributed through the retailer, and the public is not going to be injured or cheated.

Mr. GARD. That argument is not conclusive, to my mind. If a man buys a barrel of cranberries he wants to know what the barrel contains. If he buys a barrel of cranberries he ought to have some standardized measure. I call the gentleman's attention to page 15 of his bill, which provides that this act shall not prohibit the manufacture of baskets or parts thereof to any foreign country in accordance with the specifications of a foreign consignee. The present law about the barrel is:

Provided, That no barrel shall be deemed below the standard within the meaning of this act when shipped to a foreign country and marketed according to specifications or directions of the foreign purchaser if not in conflict with the laws of the foreign country under which it is intended to be shipped.

Mr. VESTAL. The language in this act is not the same, but it means the same thing.

Mr. GARD. The gentleman thinks the language in his bill is practically the language in the barrel bill.

Mr. VESTAL. I think it will have the same effect.

Mr. GARD. I want to call attention to the additional exception which, I presume, is a committee amendment, as it appears on page 15, "nor shall this act prevent the manufacture of banana hampers of the shape and character now in commercial use as shipping containers for bananas." What is the object of that exception?

Mr. VESTAL. Bananas are not shipped in crates. There are different sizes of bunches of bananas. The crates that are around them are built over the bunch of bananas. One bunch may contain a certain number of dozen and another bunch contain a much larger number, and so the exception is made in favor of the covering of the bunch of bananas.

Mr. SINNOTT. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. SINNOTT. How does this bill affect the small strawberry boxes as containers?

Mr. VESTAL. It does not affect them at all.

Mr. WELLING. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. WELLING. Does this bill change the size or the standard of the Northwest apple boxes?

Mr. VESTAL. It does not.

Mr. BLANTON. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. BLANTON. Does this bill give any particular or exclusive right to any particular kind of container or patented container?

Mr. VESTAL. Not at all.

Mr. BLANTON. It leaves it absolutely open to any manufacturer?

Mr. VESTAL. Yes. Now, Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KELLER].

Mr. KELLER. Mr. Chairman, the purpose of this measure, as you will note from its title, is to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables. I view all standardization as a benefit to the consuming public, and, while there is no intention of placing any burden upon the middleman, it is a significant fact that the consumer invariably must foot the bill. The added expense caused by inefficiency in market produce is passed on to the consumer, thus increasing the cost of living.

The lack of uniformity in the sizes and dimensions of fruit and vegetable containers has stirred up a general demand for their standardization through Federal legislation. Individual

States have taken it upon themselves to fix standards within their own jurisdictions, which, in turn, has complicated the situation to a greater extent. It is very clear that a Federal law is the only solution to this really national problem.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLER. I will.

Mr. BLANTON. There was an attempt some time ago in the House to standardize the containers of flour and meal. After all of the time wasted in the passage of that bill, we have no standard barrel for flour. Is there any more definite good that will come from this legislation?

Mr. KELLER. Why have we not a standard barrel for flour now?

Mr. BLANTON. If the gentleman will look over the legislation which finally passed, he will see that we are without a standard barrel for flour.

Mr. KELLER. I believe that we have a standard barrel for flour. This bill is definite and positive.

Mr. BLANTON. Will this bill cause the manufacturers of containers that are not standardized to scrap their plants?

Mr. KELLER. No.

Mr. BLANTON. I mean whether they will have to get new machinery and remodel their whole business.

Mr. KELLER. No; the manufacturer that makes these kinds of containers can readjust his machinery to comply with this bill with little cost.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KELLER. Yes.

Mr. MOORE of Virginia. Will the gentleman tell us whether, and to what extent, if at all, the shipment of apples will be affected by the provisions of this bill?

Mr. KELLER. Not at all, because the section covering apple boxes was taken out of the bill.

Mr. MOORE of Virginia. Then the matter of the containers in which apples are shipped is altogether excluded from this legislation?

Mr. KELLER. Yes. While there has been some opposition to this measure, it is, indeed, a source of gratification to know that the honest producer and grower, the honest commission merchant, the honest retail merchant, and the general public are heartily in favor of it. With the innumerable types, sizes, shapes, and forms of containers now in use throughout the country it is remarkable, indeed, that no greater protest has been registered by those concerned in the growth, distribution, and consumption of farm produce. Neither the buyer nor the seller can have even an accurate conception of the true contents of the basket or crate offered for sale. In purchasing vegetables at a market the ordinary consumer rarely, if ever, ascertains the weight or measure of the commodity he desires. He asks for 10 cents or 25 cents or 50 cents worth of a certain vegetable, and evidently assumes that he is getting value according to some standard measurement, when, as a matter of fact, he has trusted to the honesty of the dealer to see that he is getting value for his money. This simply paves the way for much misunderstanding, deception, and even fraud in the marketing of these commodities.

The continuance of such a system is unfair to the honest producer, it works an injustice on the straightforward middleman, it subjects the dealer to the condemnation of the general public, and indirectly adds to the high cost of living. With a standardized container in use throughout the country, protection is assured to every agency involved in the distribution of fruits and vegetables from the producer and grower down to the consumer.

As stated above, the demand for standardization is nationwide. Differences exist only as to what containers shall be adopted as standards. Consideration has, of necessity, been given to certain shapes and sizes of containers used in certain sections of the country for local utility, but there would seem to be no valid reason for the great diversity of containers in use throughout the country when the same result can be had by reducing these containers to a certain standard and eliminating the confusion resulting from such diversity. The legitimate business man demands that his business and his integrity be protected, while the consumer demands a system whereby he may ascertain the true quantity of a certain commodity when purchasing it. No substantial reason can be given for the existence of two containers so nearly alike in volume as the 14-quart and the 16-quart peach basket or the seven-eighths bushel and the bushel bean hamper. The smaller container generally masquerades for the larger.

There are in common use to-day over 40 types of cabbage crates, 20 styles of celery crates, 30 lettuce crates or boxes, 50 types of hampers, 20 sizes of round-stave baskets, and 25 sizes

of splint or market baskets, where a few essential sizes would answer all the demands of the trade. This condition is most undesirable. Manufacturing costs are increased; losses to the shipper or carrier through breakage in transit are increased. The ultimate result is the tendency to increase wholesale and retail prices. The general public is called upon to pay for this inefficiency and lack of system in marketing.

A thorough canvass of the varied sections of the country has resulted in the conclusion that five sizes of hampers are ample to satisfy all the requirements of the trade. These sizes are the 1-peck hamper, one-half-bushel hamper, five-eighths-bushel hamper, 1-bushel hamper, and 1½-bushel hamper, the capacities and specifications for which are included in this measure.

The round-stave basket is perhaps more generally used as a shipping container than the hamper. This container can be used in shipping most varieties of fruits and vegetables. A confusing variety of this basket is also in use, to simplify which this measure reduces the number to five—one-half, five-eighths, 1, 1½, and 2 bushel basket, of a capacity and conforming to certain specifications.

Splint baskets are used quite generally in the marketing of fruits and vegetables. Like the hamper and the round-stave basket, the splint or market basket has an endless variation of size and shape, many of which are deliberately made for deception. When State or municipal agencies commence to doubt the contents of containers, the wily salesman sells his produce "by the basket," not mentioning the size. The only antidote for this evil is standardization, and I trust this House will readily appreciate the growing necessity for the enactment of the proposed legislation.

The original bill as introduced empowered the Secretary of Agriculture to prescribe tolerances in the quantities of fruits or vegetables to be packed in hampers, round-stave baskets, splint baskets, and so forth, but the committee in its final draft of this measure has seen fit to eliminate this provision, for the reason that it has already been provided for in the bill H. R. 10311, now pending on the calendar. Personally I strongly favor such a provision; it is another step forward in protecting the honest dealer and the consumer.

In conclusion I want to offer a few words of commendation to the Bureau of Standards for their whole-hearted and efficient assistance in connection with this progressive work. The untiring efforts of the employees of the bureau in compiling data and statistics and the thoroughness with which they have investigated every phase of marketing produce in all sorts of containers and in all parts of the country is worthy of note. Seldom is any good word spoken on the floor of this House for any of the Government bureaus, and I therefore take pleasure at this time in commending the Bureau of Standards for their efficiency. [Applause.]

Mr. GARD. Mr. Chairman, I ask for recognition in opposition to the bill.

Mr. VESTAL. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN (Mr. DOWELL). The gentleman from Ohio is recognized for one hour.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, this seems to be a very comprehensive measure, and was reported only on the 19th of April. It apparently makes some important changes and imposes some very new restrictions upon the use of containers for fruits and vegetables. I do not see in the bill any exception saved which would permit the operation of laws which have passed the Congress heretofore fixing definite standards for certain classes of commodities. We passed an apple-barrel bill, as I recall it, and if I am not mistaken a bill for cranberries and other dry commodities. As I read this bill rather hastily, the only exception that has been made is apple boxes. If this bill becomes a law, the previous act which we passed fixing the standard for apple barrels will be suspended, will it not?

Mr. VESTAL. I think not. We are only standardizing certain containers and only attempt to do it—hampers, round-stave baskets, and splint baskets for fruits and vegetables. Those are the only things standardized by this bill. It will not affect any standardization of a barrel. There is provision in the bill on page 13 that the act shall not apply to baskets or other containers having a capacity less than 4 quarts. I do not think this will in any way conflict with the apple barrel act.

Mr. WALSH. The question is, When does a container cease to be a hamper and become a barrel, or when does it cease to be a round-stave basket and become a barrel? Is there anything in the gentleman's hearings to show when it is classified as a barrel?

Mr. GARD. Is the gentleman asking about the barrel bill?

Mr. WALSH. I was asking whether or not this measure superseded the standard barrel bill which was passed, I think, in the Sixty-fourth Congress and also in the Sixty-fifth.

Mr. BLANTON. Mr. Chairman, a point of order. I think the astute gentleman from Massachusetts is taking advantage of the steering committee and its bill when none of the steering committee is present to defend it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Of course, the point of order prevented me from getting an answer to my question, and I shall wait until the five-minute rule.

Mr. GARD. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the fact that the committee has reported this measure for final passage by no means indicates that it is suitable for all kinds of fruits, vegetables, and truck for all the different sections of this country. They have inserted a five-eighths bushel hamper here as an amendment to the original bill. The committee report brings out a five-eighths bushel hamper for vegetables which is eminently correct and proper, but the same committee fails to place in its amended bill the seven-eighths bushel hamper. I represent a section of the country where I believe the finest tomatoes in the United States are grown—the Crystal Springs tomato. Mississippi is a great vegetable growing State. Those people throughout the State of Mississippi, and, I believe, the surrounding States—Alabama, Louisiana, Florida, Georgia, Tennessee, and Texas—are accustomed to a seven-eighths bushel hamper. The advantage of that is that they can get more of that size in the refrigerating cars, and with the least loss in space.

These vegetables raised away down in the South must be transported by railway trains to the distant markets of the East and the North. Those cars must be refrigerated, and in order to have it economically done the hampers must be of a size regulated so as to get the greatest number of hampers properly cooled inside the car. The trade in the South has found that the seven-eighths bushel hamper is best for another reason, and that is that the larger size, the bushel and the bushel and a half size, are too bulky, and the effect of the ice in the refrigeration of the cars prevents those large hampers from having cool air get into the center in order to protect the vegetables.

Mr. LAYTON and Mr. KNUTSON rose.

Mr. QUIN. Mr. Chairman, I will yield a little later on. All of the box factories that make these hampers for the farmers to put these vegetables in are making the sizes that the trade has agreed on. If this bill is passed here to cut out the seven-eighths hamper, it would work a great hardship upon the farmers in that section of the country. I have no objection to the bushel size, to the bushel and a half size, and the half-bushel size. We can make the seven-eighths bushel size a standard, just the same as we can make the five-eighths bushel size the standard. Over in New Jersey and in the territories close by the markets they want the five-eighths size instead of the seven-eighths size. I am for that. I want the particular section of the country to have what is most economical in point of shipment and what will be most advantageous not only to the producer but to the consumer. The bill provides, and the law regulates it, that the quantity that is in the box or hamper or container must be stamped on the outside of it, so that there can be no object whatever in the producer or the shipper attempting to deceive anybody. If he ships the produce in a five-eighths bushel hamper, the public knows that it is a five-eighths hamper instead of a six-eighths hamper; and if he ships it in a seven-eighths hamper, the public or the purchaser knows that it is a seven-eighths hamper instead of a bushel hamper.

So it is for a matter of absolute economy and protection to the grower, the producer of the vegetables, in order that his vegetables may arrive at the point of destination in a good and edible condition.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. QUIN. I will yield to my friend from Virginia.

Mr. MOORE of Virginia. May not this legislation lose sight of the fact that in shipping perishable vegetables from the gentleman's section the shippers often even place ice in the container? That may be a matter that has not but ought to receive consideration. In fact, I understand that frequently shipments are made, for instance, from Ponchatoula, La., or from Meridian, Miss., when it is necessary to place ice in conveyors containing vegetables or fruit.

Mr. QUIN. Why, certainly that is true.

Mr. MOORE of Virginia. That, it seems to me, is a practical matter to be taken into view in considering the expediency of the proposed standardization.

Mr. LAYTON. What kind of fruit would they pack ice with?

Mr. MOORE of Virginia. Why, a variety of vegetables—

Mr. QUIN. Strawberries.

Mr. LAYTON. Pack ice with strawberries?

Mr. MOORE of Virginia. They do pack ice with a variety of vegetables, and the gentleman only has to look over the reports of the Interstate Commerce Commission deciding cases with which that commission has dealt to see that I have stated a fact that nobody can dispute.

Mr. QUIN. Why, of course, that is true.

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I can not yield right now. I will yield to the gentleman after a little. I want to get the facts clear before the House. Now, I take it, this committee wants to do the right thing, but in this legislation they may work a great injury to a great industry in this country. Now, as the gentleman from Virginia in his statement to me pointed out, these vegetables must be iced. They can not say what size cars they shall be in. The Interstate Commerce Commission has the regulating of the size of the refrigerating cars. The producers and shippers ought to have the right to get as many of the vegetables in a car as the space will possible allow, and if you cut out the seven-eighths bushel hamper you are going to have a lot of waste space in the car and the ultimate consumer and the producer alike must be the loser. Now, as to the question of the icing of these vegetables, all are not familiar with that. These people who ship them, these truck growers who produce that truck, know that these cars must be iced at certain intervals along the railroads. For instance, in the city in which I live, McComb, is the icing point for all cars of vegetables that come between the city of New Orleans and McComb City, Miss. The McComb City ice factory refrigerates all of those cars. These vegetables then go on their way toward the east, north to another point along the road where they must be iced and refrigerated in order that the vegetables may be protected and wholesome, so as to be in good condition when they arrive at the point of destination in order that the ultimate consumer may have them in condition to place upon his table.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I yield the gentleman five additional minutes.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. QUIN. For a short question, please, sir.

Mr. SUMNERS of Texas. The ice that is put in is put inside the cars. It is not put in the containers, is it?

Mr. QUIN. It is put in the cars, but many of these vegetables must have ice around them. It depends upon the time of year, the condition of the weather, and the distance where they are being shipped.

Mr. MOORE of Virginia. If I may again interrupt the gentleman, I know, as I have said, that very often the containers themselves require icing. It has been shown in the shipment of lettuce at certain seasons that it is necessary to ice, and that ice can only be applied in that way.

Mr. QUIN. Of course, it is necessary to be done. This Congress, by passing this bill, can work a great injury to an important industry and at the same time work a great injury upon the consuming public.

Mr. McKEOWN. Will the gentleman yield?

Mr. QUIN. In one minute. According to this bill you cut out the seven-eighths-bushel hamper, and in doing that you are working a great injury to a great vegetable-growing section not only to the State of Mississippi but to Louisiana, Arkansas, Tennessee, and Texas, to those principal vegetable-growing sections in the seventh congressional district of Mississippi that send vegetables right here to this city, to New York City, to Philadelphia, to Baltimore, to Chicago, and everywhere else. From one town in my district, Crystal Springs, Miss., as many as 75 cars a day are going out, and all the other towns in Copiah County and other counties in the district ship in large quantities truck and vegetables to the needy households in the North.

Mr. McKEOWN. Is there any provision made in this bill to take care of the producers who have already on hand for their shipments the size hampers the gentleman is talking about? What is the condition of a shipper in that respect?

Mr. QUIN. They ought to do it. The chairman tells me that they are trying to do it, but I do not think it is safeguarded. He claims that this bill is not to go into effect for 12 months, but the best way to protect the vegetable growers of this country is to kill this bill. We have got the proper size hampers. Do you know there are 49 different size hampers in use in all the different sections of the United States? Forty-nine of them, and why should this committee come along with all these varieties and say, You can not have the seven-eighths-bushel hamper? Can you explain that? They have allowed the five-eighths; and I say they are right in allowing it, but in the name of equity

and justice why can not they put in a provision for the seven-eighths-bushel hamper? There can not be any answer to that when the seven-eighths-bushel hamper takes more vegetables to the market from the South than all the other size hampers combined, and no one can be injured by it.

The public does not care anything about the size of the hamper. What the public wants is the greatest quantity of vegetables in the best possible condition and at the lowest price, and this bill you gentlemen are placing before this House will tend to injure the vegetables that are shipped from the South. It will make more expense in shipment, so that there will be less wholesome vegetables, and more vegetables in bad condition, at a higher price to the consumer in the northern and eastern cities and less profit to the truck grower than there ever have been before, and there can not be any other result if you cut out the seven-eighths hamper.

Mr. LAYTON. Will the gentleman yield for a moment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. May I have a few minutes more?

Mr. GARD. I yield five additional minutes to the gentleman.

Mr. LAYTON. I want to know if your logic does not imply that the Congress ought to abolish the Committee on Coinage, Weights, and Measures and do away with the standardization of everything in the country?

Mr. QUIN. Oh, no, my friend; I think that is a useful committee, indeed, and it has useful work, and that it has done good work before, except I believe it is mistaken in its ideas on this bill and in cutting out the seven-eighths bushel hamper.

Mr. McKENZIE. Will the gentleman yield for a brief question?

Mr. QUIN. Yes.

Mr. McKENZIE. I would like to ask the gentleman from Mississippi if he will explain these photographs in his time in connection with the bill?

Mr. QUIN. Oh, I have not the time. I have not looked at the photographs. I stated that there are 49 different sizes of containers, and I can not conceive why there was such a necessity to cut out the seven-eighths bushel hamper that the vegetables from the South are shipped in, and which I know the trade has decided is the best, because they have worked all these years for the special purpose of getting a container that would carry the vegetables in the best condition and at the least cost.

Mr. KNUTSON. I take it from the gentleman's remarks that he has made a deep study of the question of refrigeration. How much difference is there in the penetrating ability of cold air in its effect on a seven-eighths bushel container and a bushel container. Will the gentleman explain that to the committee?

Mr. QUIN. I could not give the scientific part of it, but these men who are engaged in the truck-growing business and shipping business, and have been engaged in it for 30 years, in Crystal Springs and Hazlehurst, Miss., know that the seven-eighths bushel hamper is the most practicable. They know the vegetables reach their destination in better condition when shipped in that size container. They know the bushel hamper does not allow cold air to get into the center to properly protect the vegetables there. They know that the five-eighths hamper is all right. They know that the seven-eighths bushel hamper is all right for that section—the South. And, as I stated, our friends in New Jersey know that the five-eighths bushel hamper is better for that country, because they do not have to ship the vegetables so far. But when you start a trainload of vegetables from Mississippi and run it clear up to New York City, you must consider the distance and the season of the year, and that the cold air must go to the center of the vegetables in order to keep that entire trainload of vegetables in good condition. And if those men who have their money invested in it—the thousands of people who make their livelihood in raising vegetables for shipment in interstate commerce—ask this Congress to keep the seven-eighths bushel hamper in force, it seems to me that appeal ought to fall on your ears in the right way.

Mr. GARD. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, as is usually the case under the present régime, we are considering an important measure, departing from the present business customs of this Nation, with about 35 or 40 Members present on the floor, most of whom have no knowledge whatever concerning this bill. Not long ago we spent most of a whole day and part of another on a measure to standardize containers for flour and meal, and when we got through and sent the bill to the Senate it then did not contain a standard barrel of flour. And we have no standard barrel of flour by law at this time. And God knows what we will have when we get through with the consideration of this bill and pass it.

In that connection let me call your attention to the conditions under the present régime. Here yesterday, when we had up the urgent deficiency bill, carrying one item alone of \$300,000,000 for the railroads, when we got to a final vote on that bill let me show you what happened under the Republican régime. I quote from page 5925 of the RECORD:

The SPEAKER. The question is on the passage of the bill.

Now, remember, the bill carried one item alone of \$300,000,000.

Mr. BLANTON. On that I ask for a division.

The House divided; and there were—ayes 86, noes 0.

So the bill was passed.

Eighty-six Members were on the floor in the House when a bill of that character and importance to the country was passed, and you know about how few were here throughout the day during the general debate on the bill.

Let me call your attention to the preceding day, when we had a new measure before this House, also departing from the usual business custom, creating another bureau in a Government already overriden with bureaus. This question came up: When it was moved to suspend the rules and pass that bill and a second was demanded, the old Nestor of the House said that he would not agree to a second being ordered with only a handful of people present. When the Speaker asked if there was objection to a second being considered as ordered, he said:

Mr. CANNON. I do not know about that. Why should it be? There is just a handful of people here.

Mr. CAMPBELL of Kansas. We can get them here.

Mr. CANNON. I guess you better get them.

Mr. CAMPBELL of Kansas called for tellers, and it developed that only 31 Members were present, when Mr. CANNON said:

I think a quorum is not present. I make the point of no quorum.

And that bill was passed in a short time, with no consideration by the House, or practically none by the membership of the House proper.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. McKENZIE. Does not the gentleman think that that rather argues for efficiency?

Mr. BLANTON. It shows that on every single day we take up legislation and pass it the great bulk of the membership of this House knows practically nothing whatever on earth about it, and I am going to show that your committee here does not know much about this bill. Here is a ridiculous provision. I am not complaining about the Republican whip of the House, who is now smiling at me, because he is efficient, although he and I have a little difference once in a while. However, he is efficient. But here is a bill to close up all the manufacturing plants of this country except one. The one that manufactures this particular kind of container can keep on running and manufacturing them.

Now, the originals of these photographs here had to be manufactured, did they not, or they would not be photographs of them? They had to be the actual manufactured containers in order to photograph them before you could have all these pictures?

Mr. KELLER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. KELLER. I wish to say that the manufacturers are all for this bill.

Mr. LAYTON. And the growers.

Mr. BLANTON. I am sure there is nobody against it at all. It is a bill that is going to pass unanimously here, because you do not know anything about it. Let me show you what a ridiculous idea there is in this bill. It is all right to have a standard and say that in a bushel there shall be so many cubic inches. That is all right. It is all right to say that in a half bushel there shall be so many cubic inches; that in a bushel and a half container there shall be so many cubic inches. That is standardizing; that is all right. But you do not stop there. You go on and say how the bottom of it shall be made and how the middle of it shall be made, and how the next part, up toward the top, shall be made, and how the top of it shall be made, and out of what material it shall be made, and the size thereof, corresponding to the particular kind of container manufactured in some particular manufactory of this country. That is where the vice comes in, and you provide a penalty of \$100 and 60 days in jail for anybody who shall violate the provisions of this bill.

Let me show you. Section 6, on page 13, provides—

That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship, or to import or cause to be imported into the continental United States, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets, that do not comply with this act.

Then let me show you how ridiculous it is to provide a provision of this kind in a sensible law. I am reading section 7 now, on page 14, and I want you to notice it:

That any hamper, round-stave basket, or splint basket for fruits or vegetables, whether filled or unfilled—

That is, empty or full. All of you know what that means, whether a thing is empty or full. We are all empty now. [Laughter.]

Which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported—

And now listen—

May be proceeded against in any district court of the United States within the district where the same shall be found.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for two minutes more.

Mr. GARD. I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. BLANTON. I thank the gentleman from Ohio.

I am reading the language of the committee's bill, word for word. I have not placed any construction on it. I am reading the English language for what it usually means. What does it say? That if you find a container here, or a splint basket here, or one of these hampers—and if it is empty or full it does not make any difference—the United States district attorney in the district court of the United States may proceed against that basket or hamper or container in a Federal court, and proceed against the same wherever he may find them. That is ridiculous, even to my good friend from Kansas [Mr. TINCHER]. It provides for a suit in the Federal court by a Federal district attorney, with all the expenses incident thereto, against an empty container or an empty basket. Is that foolish or not?

A MEMBER. That is done every day.

Mr. BLANTON. Well, it is just about as sensible as everything else the Republican Party has proposed in this House since May 19, 1919, when they took charge. Who violates the law? The innocent little container, full or empty? Does it violate the law? Why, the man who manufactures it, the man who sells it, the man who uses it against the laws of standardization—he is the malefactor. You do not proceed against the poor little basket or the poor little empty hamper wherever you find it in a district court by a great big district attorney, with a great big United States marshal present.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TINCHER. Is there anything in the law about proceeding against the violators of the law?

Mr. BLANTON. Yes. It says they shall be fined \$100 or put in jail 60 days.

Mr. TINCHER. There is another question I want to ask. Are the containers patented? Is it the custom to have these containers patented?

Mr. BLANTON. I feel reasonably sure that every single article delineated on these pictures is patented. That is what I am getting to.

Mr. LAYTON. The gentleman is mistaken about that.

Mr. BLANTON. I think the gentleman from Delaware perhaps knows more about this than I do. The gentleman is older than I am. I have such a high regard for him that I will take his word for it.

Mr. LAYTON. Have you a basket factory in your town?

Mr. BLANTON. No.

Mr. LAYTON. I assumed not.

Mr. BLANTON. But I assume that the man who had sense enough to design and manufacture a basket which a big Republican committee would bring in here with photographs and try to get it fixed upon as a standard would have sense enough to patent it and protect it.

Mr. TINCHER. If it is not patented, according to the gentleman's premise, there would not be anything to hinder anybody from manufacturing it?

Mr. BLANTON. No; if it is not patented. But if it is patented my argument is good, because it would affect a particular manufacturer. That article is subject to patent. If it is not patented, the fellow who designed it and originated it slept on his rights and lost valuable property rights probably. But what I am getting at is simply this: As far as we ought to go in standardizing containers for fruits and vegetables is to say that they shall be put up in a peck measure container, or in a half bushel or bushel container, or in a bushel and a half container, and that those particular measures shall contain so many cubic inches of fruit and vegetables each; and then, when we have gone that far, we have provided complete standardization of the

container for fruits and vegetables, and we ought not to go any further.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. BLANTON. Yes.

Mr. O'CONNOR. May it not be pertinent to inquire of the gentlemen who are informed whether or not an application has been made for a patent?

Mr. BLANTON. You can find that out from this committee.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. McKEOWN. What provision is made with reference to imported containers? Will they be barred by this bill?

Mr. BLANTON. Unless they are built according to the measurements provided for in this bill in a certain way at the bottom, in a certain way at the middle, and in a certain way at the top, and unless they conform to these particular measurements, bottom, middle, and top, according to this bill, they are absolutely thrown on the junk pile in this country. They are of no use whatever for fruit and vegetable shipments. You have got to do away with them. You have got either to change your machinery or do away with your machinery in all the various manufacturing in this country.

Mr. JUUL. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. BLANTON. I yield.

Mr. JUUL. Is it not a fact that many of these baskets that are now being manufactured are made in the sizes that this law provides for, so that they will not have to change their machinery, because they already manufacture those identical sizes and styles?

Mr. BLANTON. One thing I do know, and I am sure the gentleman from Delaware will agree with me—

Mr. LAYTON. I do not know about that. [Laughter.]

Mr. BLANTON. I take it for granted that he will, because I assume that he is a sensible man. Why should we not stop when we prescribe the content in stated cubic inches of a standardized container? The gentleman will admit surely that when you provide that it shall be built just exactly like this picture, that every bushel basket shall be just like that, then the gentleman must admit that every other basket that is not in that shape and form is absolutely thrown in the junk pile.

Mr. LAYTON. Will the gentleman allow me to answer him?

Mr. BLANTON. I will allow the gentleman to answer me.

Mr. LAYTON. I will say that the gentleman's mind is not comprehensive and does not take into account other elements which enter into this question.

Mr. BLANTON. It takes into account things that the gentleman never dreamed of.

Mr. LAYTON. Wait a moment. If you have got a bushel basket of so many cubic inches, you can manufacture containers of a thousand different shapes and forms, which would not be suitable for truckage, would not be suitable for packing in cars, refrigerator cars, or any other way. A standardization of the size and shape of the container is necessary.

Mr. BLANTON. There is just one redeeming feature about this bill, gentlemen, and that is that it provides that it shall not go into effect until a year from next November. Before this bill goes into effect and these defects develop, we will have an opportunity to change it. I will promise the gentleman that.

Mr. LAYTON. Who?

Mr. BLANTON. The gentleman knows what I mean when I say "we." I am referring to our distinguished leader, the gentleman from Missouri [Mr. CLARK] and the party he represents, of which I am a humble member. [Applause.]

Mr. MOORE of Virginia. May I interrupt the gentleman? He may be sure that it is not an abusive question, but merely for information.

Mr. BLANTON. Whenever we get our Republican friends cornered over there, all they can do is to try to abuse us.

Mr. MOORE of Virginia. What I should like to suggest—not quite in the way of a question, perhaps—is this, that here we have a bill that may very seriously affect the agricultural and trucking interests. I do not assume that to be the fact, but it may. Now, is it a wise thing to pass such a bill hastily, which was reported from the committee only on the 19th of April, and not even printed until the 20th and possibly not printed until last night, with a very small membership of the committee on it who are now present, and without the opportunity for Members to be here who may be interested, no notice having been received that the bill would come up to-day, and no opportunity being given us to communicate with our constituents, many of whom are certainly interested one way or the other?

Mr. BLANTON. We have had more time than usual, because the notice that we have of the consideration of these freak bills usually consists of the production of a hip-pocket rule by the gentleman from Kansas [Mr. CAMPBELL]. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I think it is barely possible that I voted for the bill to authorize the standardization of things, but I was a good deal opposed to it at the time, and I interrogated the men who had it in charge, and they assured the House over and over that this authority to standardize everything did not mean anything except that they would establish an official yardstick, for instance, and put it up here in the Treasury, so that if all the other yardsticks on earth were destroyed by some calamity, you could go up there and get one, and the same way as to foot measures and quart measures and gallon measures, and so forth.

Now, this Committee on Coinage, Weights, and Measures and the department together have been usurping powers under that bill from the day it was passed until now. There is no question in the world about that. For instance, I had a set-to with Uncle Jimmie Wilson, Secretary of Agriculture, a man for whom I have always had very profound respect and great affection. It is sort of out of date to talk about it now, but the second largest winery in the world was in my district, and there is no place on earth where grapes grow in greater profusion than they do on the banks of the Missouri River. That is how that whole country came to be settled up by the Germans when they came in here after the revolution of 1848.

One day I got a clipping sent by that big winery. There are several smaller ones, but the big one sent to me a clipping stating that the Agricultural Department was going to establish a standard for wine, that they were going to mark it "pure wine" when it did not have any sugar and water added, and all the rest they were going to mark "adulterated." Now, it happens that there is only one small piece of land on the habitable globe, as far as anybody knows, where grapes grow with enough sugar in them so that you do not have to add sugar and water, and that is in a comparatively small part of California.

All the rest of our folks, in Missouri and on this side of the mountains and in most parts of California, have to add sugar and water to their grape juice. So I wrote a nice letter to Secretary Wilson and inclosed this clipping, asking him if he was going to try to do any such fool thing as that, and, if so, where he got any authority to do it? Well, I received a great, long letter signed by him, three pages, letter-paper size, explaining this, that, and the other, and finally giving me a good deal of a scolding for having the impudence to call in question the wisdom of the Department of Agriculture. So the next day I went down there and I walked into his room with this letter in my hand, and he began to grin and said, "Don't you quarrel with me about that letter. I never wrote it. I signed it." I said, "Who did write it?" He said, "Dr. Wiley." I said, "Who is Dr. Wiley?" He said, "He is the chief chemist." I said, "Where is he?" And he told me, and I went over there and Wiley and I had a fuss, and I explained to him that there was no earthly sense in what he was doing, and that in addition to that it was a great outrage. Well, finally I beat him out to change it from "pure wine" and "adulterated wine" to "natural wine" and "artificial wine." That was nearly as bad as the other. So one of the California brethren introduced a bill here to that effect, and I got hold of him and clubbed his bill to death. Now, that was clearly a usurpation of authority under this standardizing act, and so is this bill. The gentleman from Texas [Mr. BLANTON] was exactly right, except that he did not go far enough, because he did not know how far to go. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GARD. I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Chairman, my objection to this bill is that you not only fix the size and shape of your container, which may be of considerable convenience in shipping, but you also prescribe the thickness of the staves. Down in my country we have a great deal of timber which we prepare to make these baskets, or the constituent parts of the baskets; for instance, if you want a basket like the hoop basket, they are put up in long strips, 100 in a bundle. They are sent to the place where these things are assembled. Therefore it is a cheap way to ship them in that manner. The trouble with the bill is that you prescribe the thickness of the staves or the thickness of the basket. Every man who manufactures this timber has bought his machinery

and it is fitted to cut rapidly and quickly the constituent parts of these containers.

If I could write your bill and I was a manufacturer of the machinery, or if I had a large number of establishments already at work and I could write your bill so as to conform directly to that particular machinery that I use, or if I was manufacturing the machinery that goes into these factories that manufacture the timber for the baskets, I do not know just what I would give Congress to write a bill so framed for a container in design, thickness, and shape as to conform to the particular machinery I was using in manufacturing. If I had my place established I do not know what I would give if you would give me a monopoly until they were able to establish their plants to make these containers. Just how many thousand or million dollars' worth of machinery you are virtually compelling them to discard in making provision for the cubical contents of the container and going into specific descriptions as to the thickness of the staves and length of the staves, and so on, I do not know.

You gentlemen are getting into pretty deep water, because I do not believe that any member of this committee would be guilty, knowingly, of passing a bill to have the stave of a certain thickness or shape because it was made by a certain character of machinery. But when you go this much into the details you may be making some people rich and you may be pauperizing others.

In other words, if I had a certain number of ships to sell, if I could put a bill through Congress saying that you should go into the market and buy ships of a certain type, of a certain beam, of certain depth, and of certain description, perhaps I would have the only ships in the world of that description.

A gentleman told me about a matter that happened some years ago where they were erecting a building of a certain type and wanted certain attachments put into the building. The bill that was passed described the kind of attachments they wanted. The result was that he was the only fellow in the world that manufactured attachments of that sort and type.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BLAND of Missouri. I notice by section 7 it requires the destruction of all round stave baskets, splint baskets, and hampers that do not conform with the provisions of this bill. That would entail a destruction of considerable property, would it not?

Mr. SISSON. Yes; you would be amazed to go into the warehouses and see them filled with stuff of which not a single stick could be used in the making of one of these standard baskets.

That is my objection to this bill. I have no objection to your making standard sizes, and, by the way, you have arbitrarily in section 1, standardizing the sizes, eliminated the seven-eighths of a bushel, which is one of the standards. You go from a half a bushel and five-eighths of a bushel to a bushel, and leave out the seven-eighths of a bushel. That is the hamper used almost exclusively for light vegetables down in my country. Go into the district of the gentleman from Mississippi [Mr. QUIN], which is the largest vegetable district in that country, and see where they are shipping out vegetables not only by the carload but by the trainload. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I used to think that there were some lawyers in the House. If there are any left that have any respect for the Constitution or the right of the legislature to delegate powers, I respectfully refer that lawyer to section 6, now changed to section 5, on page 12 of the bill, which reads as follows:

SEC. 6. That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling, or of the contents in course of shipment, of hampers, round stave baskets, and splint baskets for fruits or vegetables, or apple boxes, or parts thereof—

In other words, you give the purposes for which you delegate this legislative power—

the Secretary of Agriculture, whenever he finds necessary, may, in his regulations, prescribe specifications with respect to the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or apple boxes, or parts thereof in addition to, differing from, or superseding those set forth in sections 1, 2, 3, or 4 of this act, but not departing from the respective capacities therein prescribed.

If there is any lawyer here who has any respect for the Constitution let him stand up here and tell me if we have any possible power to enact a statute like that. What does it do? It goes on in this bill and states what the dimension and number of the splints shall be, and then it says that the Secretary of

Agriculture, if he wants to, can absolutely substitute another standard, another dimension, on giving six months' notice. These standards are to be fixed by him as he deems necessary; not if he finds certain facts exist then a certain standard shall obtain. We can delegate authority to the Secretary of Agriculture, or any administrative officer, to ascertain certain facts, and in the event that he finds a certain contingency exists or in the event of a certain contingency, then a certain provision shall be the law, but we can not authorize him, if he deems it necessary, to repeal our own standard. Truly this section "is a thing of beauty and a joy forever."

What else do you do? You not only give him the right to fix the dimensions of the hamper but he can fix the kind of material.

In other words, he may say that we can not make these hampers out of the material that we have in my section of the country and compel us to buy boxes made of another kind of wood from another part of the United States. He can say that these containers shall be made of paper, if he wants to, or that they shall be made of spruce, if he wants to, or that they shall be made of cedar, and he may do that without the consent of Congress.

Mr. Chairman, I knew, and it is beginning to dawn on the country, that the Republicans, who are in control of this Congress, are absolutely the greatest aggregation of incompetents ever gathered beneath the dome of the Capitol, but I never thought that they would absolutely admit it themselves and give an administration officer the right to fix the kind of material out of which they shall be constructed and the size of the fruit baskets and hampers to be used. If you want to violate the spirit of the Constitution, if you want, under the subterfuge of a standard of weights and measures, to undertake to pass a thing like this, then, for God's sake, save your face, at least. If you do not know what it ought to be test it out and change it yourselves, but do not leave it to a Secretary of Agriculture, who might not know anything about it at all, as we have had some in the past who would not know a hamper from a fruit basket. What does the chairman of the committee understand in law is a hamper?

Mr. VESTAL. Mr. Chairman, that is a very foolish question.

Mr. WINGO. If it is a foolish question, then the gentleman may expose my foolishness. Tell me what the courts have held a hamper is. Have the courts held what a hamper is?

Mr. VESTAL. Probably not.

Mr. WINGO. No. But you are writing a criminal statute, using the word, and you can not tell what it is. The gentleman does not know anything about the facts or the law. He says that it is a foolish question. It is a foolish question, because you have a foolish bill, brought out by a foolish committee, headed by a foolish chairman, who does not know any more about a hamper than he seems to know about the Constitution. [Laughter.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I do not intend to discuss the merits of the bill, but will confine my remarks in the main to sections 6 and 7, which are the penal provisions of the act. I do want to say in a preliminary way that the argument of the gentleman from Texas [Mr. BLANTON] is based entirely upon the proposition that these baskets are or might be patented. Of course, they are not patented, and if they are not patented now they can not be patented hereafter, so that that argument falls entirely to the ground.

The purpose of this bill is to prevent the use in commerce and shipments in commerce of baskets which do not conform to the standards set up in the bill. That prohibition is to be enforced in two ways: First, it is to be enforced by a penalty which is, in effect, upon the person who offers to sell articles in such a basket in commerce or offers such baskets for shipment in commerce. That is a penalty against the person, the penalty provided for in section 6. But the punishment of the person who offers these baskets for shipment in commerce does not do away with the baskets themselves. Section 7 proposes to outlaw the basket itself and provides the machinery whereby the outlawed baskets can be confiscated by the Government and destroyed. There is nothing unusual in such a proceeding. There are a number of United States statutes which declare articles or commodities outlawed, so far as they are used in interstate commerce, and those laws provide for the confiscation and destruction of the articles themselves. For instance, suppose an article which is misbranded is offered for shipment in interstate commerce. The pure-food act provides a method whereby the person who offers that article may be punished, and also a means whereby the article itself may be attached by a process of libel,

and after judgment destroyed. That is the whole purpose of section 7, which my good friend from Texas [Mr. BLANTON] so violently attacks. I am surprised that he should attack it. He has been the judge of a district court, I am informed, down in his native State. He ought to know, but he does not know, that that sort of process is a very common thing under Federal jurisdiction and that the purpose of it is to destroy the thing which the law outlaws. There is nothing new in it at all. It would be an entirely futile thing if all you could do under this act would be to punish the person who offered the baskets for shipment in commerce, but must still permit the baskets themselves to go freely in commerce. The only real remedy you have, the remedy that is effective, is not the remedy which punishes the individual who offers the basket for shipment, but it is the remedy which outlaws the basket itself in commerce and provides the method whereby the basket may be confiscated and destroyed.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, it has been a long time since the members on the Democratic side of the aisle have been so worked up over a piece of legislation as they are over this, but when I reflect upon the fact that most of my good friends on the Democratic side represent that section of the country from which we get our early fruits and vegetables, and when I reflect further upon the fact that they have for years been selling us seven-eighths of a bushel for a bushel, I do not blame them for being worked up, because the passage of this bill is going to cut into their revenues quite a bit.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. No; I can not yield just now. All kinds of excuses have been given by gentlemen on the other side for opposing this legislation.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. No; I can not yield?

Mr. JUUL. Can not the gentleman yield for half a second?

Mr. KNUTSON. The expert on refrigeration from Mississippi [Mr. QUIN] says that you can cool and keep cool a seven-eighths bushel hamper, but that you can not cool and keep cool a bushel hamper, and that is the reason he opposes it. Another opposes it because it is unconstitutional, and so we have it all along down the line, every Member on that side who has spoken having a different excuse. I want to commend the Democratic Members from the Southern States for the fidelity with which they are representing their constituents' interests on the floor this afternoon.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I am sorry, but I can not yield. They have certainly displayed a zeal which is worthy of a better cause.

It is unfortunate that they are so situated geographically that they are compelled to get up on the floor of this House and condone and defend fraud and deceit.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present. If the gentleman is going to talk this way, there should be a quorum to hear him, and I make the point of order of no quorum.

Mr. KNUTSON. I trust my friend will not do that. I paid very respectful attention to the gentleman while he talked, and I trust he will not press his point of no quorum, because I have only a few minutes remaining.

Mr. QUIN. I think there ought to be a quorum here.

Mr. KNUTSON. Mr. Chairman, I suggest the gentleman can not take me off my feet.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-eight gentlemen are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Brumbaugh	Darrow	Freeman
Almon	Burke	Davey	Fuller, Ill.
Andrews, Md.	Campbell, Kans.	Denison	Fuller, Mass.
Anthony	Campbell, Pa.	Dent	Gallagher
Baer	Cantrill	Dewalt	Gandy
Bankhead	Caraway	Dominick	Godwin, N. C.
Barkley	Carew	Doelling	Goldfogle
Bell	Clark, Fla.	Doughton	Goodall
Benson	Collier	Drane	Goodwin, Ark.
Black	Copley	Eagle	Gould
Blackmon	Costello	Edmonds	Graham, Pa.
Blanton	Crago	Ellsworth	Greene, Vt.
Boies	Cramton	Elston	Hamill
Booher	Cullen	Evans, Nev.	Hamilton
Brand	Currie, Mich.	Ferris	Harrison
Brinson	Curry, Calif.	Fess	Hayden

Heflin	McKenzie	Reavis	Smithwick
Hicks	McKinley	Reber	Snyder
Hill	McLane	Reed, N. Y.	Stegall
Hoey	McPherson	Riddick	Stedman
Hudspeth	Madden	Riordan	Steenerson
Hulings	Mann, Ill.	Rogers	Stoll
Igoe	Mansfield	Rose	Strong, Kans.
James	Mason	Rowan	Strong, Pa.
Johnson, Wash.	Mays	Rubey	Sullivan
Kelly, Pa.	Moon	Rucker	Swope
Kendall	Mooney	Sabath	Tague
Kennedy, Iowa	Moore, Ind.	Sanford	Taylor, Tenn.
Kennedy, R. I.	Morin	Schall	Temple
Kettner	Newton, Minn.	Scott	Towner
Kiess	Newton, Mo.	Scully	Vare
Kitchin	Nolan	Sears	Voigt
Kreider	O'Connell	Sells	Ward
Langley	Paige	Sherwood	Welty
Leibach	Phelan	Shreve	Williams
Leshner	Porter	Sims	Willson, Pa.
Lufkin	Ramsey	Small	Woodward
Lubring	Ramseyer	Smith, Mich.	Zihlman
McArthur	Rayburn	Smith, N. Y.	

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12350, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 272 Members answered to their names, and he reported herewith the list of absentees to be recorded in the Journal.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. KNUTSON. Mr. Chairman, when I was taken off my feet by the point of no quorum made by the gentleman from Mississippi [Mr. QUIN], I was about to explain that the position taken by the Democratic side is not justified. As a matter of fact, when the shippers in the Southern States send a container of early fruit or vegetables to the North which holds but seven-eighths of a bushel they only get paid for seven-eighths of a bushel. It is the commission merchant, the middle man, who is able to make a bushel out of it. So there is absolutely no justification for the almost united opposition on the Democratic side against this legislation. We are trying by this bill to standardize the containers used in this country—that is, the containers for vegetables and fruits—so that the American people will be given full measure and a square deal. We contend that by doing that we will reduce the cost of living by just that much, and thereby enable the Democrats to make good in part their pledge made before the election of 1912 to reduce the high cost of living, something that they have not made any effort to do by themselves. [Applause on the Republican side.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has consumed his time.

Mr. VESTAL. How much time have I remaining?

The CHAIRMAN. Fourteen minutes.

Mr. VESTAL. I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I doubt the wisdom of some of the provisions of this bill, and I doubt the right of the Congress to enact some of them. They have been referred to, so I will not take time to discuss them. I mean the provisions relating to the material out of which baskets shall be made, the number of staves, the thickness of them, and so forth. I doubt the wisdom of giving any officer of the Government authority to determine those matters; but I wish to speak of another matter. I find in section 4, the new section 4, page 11, that the Secretary of Agriculture shall in his regulations prescribe such tolerances as he may find necessary to allow in the capacities and specifications for hampers, and so forth. I think it is unwise to require that the Secretary of Agriculture shall in advance prescribe the variations and tolerances which shall be permitted. The Committee on Agriculture some time ago was considering what is known as the "slack-filled container bill." The committee found that in many lines of business and as to many commodities, containers are only partially filled by the manufacturer or dealer whose business it is to fill them, and thereby fraud was practiced on the purchaser. The bill contains a proviso to the effect that reasonable variations and tolerances "may" be established. Dealers and manufacturers who appeared before the committee, every one, insisted that the word "may" should be changed to "shall," requiring that the Secretary of Agriculture in advance of his efforts to enforce the act must establish variations and tolerances. The same principle is involved in the bill before us; this bill says the Secretary of Agriculture shall prescribe variations and tolerances. What is the effect of that? Just as soon as variations and tolerances are established containers with a

smaller capacity become standard. Every container would be made just as small as the law will permit, just as small as the Secretary will permit. That will be uniformly the practice. Whereas if the Secretary is permitted in his discretion to establish the variations and tolerances he may establish them or permit them as to some containers and not as to others, as he finds it wise to do so in the administration of the law. If the administration of the law is in the hands of a careful, wise man—that is the way it seemed to our committee, and we gave careful consideration to it—it is best that he should not be required in advance to determine and announce the character and extent of the tolerance permitted to a manufacturer; the Secretary should be permitted to consider each case as it arises. If it is found that there is a wide variation and it is evidently intentional it may be held to be a violation of the law, and if it is a small variation and there is no evidence of intention to violate the law, it can be overlooked. And, in the judgment of our committee, if we should make it mandatory on the Secretary of Agriculture to establish variations and tolerances, it would be necessary for him as to every one of these things to establish his variations, publish them, and have them known before he could enter upon the enforcement of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I believe it would be unfortunate if gentlemen on this side of the aisle should take an antagonistic attitude to the principle of this bill. There can be no legislation of this character which may be said to be in the interest of the producer or of the consumer alone. It must be of general interest or there is no interest at all. Now, those of us who live in producing districts and whose commodities must go far afield to find final consumption know nothing more important than to have our commodities standardized as to quality and container, when they go in containers, so that they may have a commercial status at the point of first concentration. There is not any question about that. In order to have economic distribution of agricultural commodities it must be possible to have them so standardized as to quality and container that the man who lives far away from the center of production and the man who lives at the point of production may discuss them and trade in them and each man have the identical mental picture that the other man has with regard to the thing that is being traded in.

Now, I think there are some provisions in this bill that ought not to be here, and I believe that we ought not to vote for the bill without amendment unless the chairman of the committee can explain to our satisfaction why it has been deemed essential to determine in advance the number of splits in the basket and the general detail of its construction.

I do believe, however, that the general shape of the basket is important in standardization. It is important, I believe, in the transportation of these commodities. And I take it for granted that the chairman of this committee and his associates upon the committee have determined in advance of bringing in this bill, by consultations with transportation men and producers, the kind of basket that will economize the transportation facilities of this country. Now, that is all there is to it. And I believe, gentlemen, we ought to approach the consideration of this bill in a kindly attitude toward its purpose, and endeavor if possible in good spirit among ourselves to so amend the bill that the objectionable features will be eliminated.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. I take it for granted that the gentleman agrees with me that there can not be any possible sectional or party question in the consideration of a matter of this character and that nobody on this side of the House for a minute dreams of putting the question in any such attitude?

Mr. SUMNERS of Texas. I do not imagine any man will be so foolish as to have such an attitude. There is nothing partisan or sectional in the bill. If we have a container that gives us a certain capacity, and that container is so fashioned that it brings a penalty upon the trade, that penalty is divided in most instances between production and consumption. And I do think that when we come to legislate with regard to these matters our purpose should be to legislate for honest commerce. [Applause.] And these variations in containers, gentlemen, not only make it difficult for men who live far apart to trade in these commodities, but they put a premium upon dishonesty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. Mr. Chairman, I desire to say that all the fruit growers, so far as the committee knows anything about them, are absolutely in favor of this legislation. The manufacturers of baskets—

Mr. OSBORNE. Will the gentleman allow a question?

Mr. VESTAL. I have only four minutes.

Mr. OSBORNE. I know; but I have a very important question bearing upon what the gentleman has just said.

Mr. VESTAL. All right.

Mr. OSBORNE. I want to ask the gentleman if in the consideration of this bill the western-coast producers of fruits were heard?

Mr. VESTAL. They were heard before the committee through their representatives.

Mr. OSBORNE. I would like to ask further as to these restrictions upon containers. For instance, in my State we produce 50,000 carloads of oranges and grapefruit a year. Would that affect the containers that they already use and where they have millions of dollars invested in plants for the making of the containers?

Mr. VESTAL. I think not. We only seek by this bill to standardize hampers, round stave baskets, and splint baskets. It does not have anything to do with boxes or crates of any kind or character.

I wanted to say that no manufacturer—and they were represented before the committee—was opposed to this bill. It merely cuts out a lot of sizes, but it does not change the machinery of any factory. It simply reduces the number of sizes.

And I want to say in answer to the gentleman from Mississippi [Mr. QUIN] that I understand he is interested in the seven-eighths bushel, of course, because people in his community are using the seven-eighths bushel, and that the evidence before the committee is to the effect that in practically every State of the Union where tomatoes were grown they use the five-eighths bushel hamper. Now, the reason the committee deemed it wise to cut out the seven-eighths bushel hamper was the fact that it is so nearly a bushel. The whole purpose of this bill is to try to bring about honest commerce, so that there will be no discrimination and that the public will not be discriminated against. The figures show conclusively that this is being done all over the country to-day, and, as I said in the beginning of the argument on this bill, one circumstance illustrates the whole thing. A gentleman from Baltimore testified before the committee, and was seeking to have the 14-quart basket standardized—and this bill cuts out the 14-quart basket and makes it a 16-quart basket—and we asked him why, and he said, "Because we get from the consumer the same amount of money for 14 quarts as we get for 16 quarts."

Mr. KNUTSON. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. KNUTSON. Is not that just exactly the intention of this bill, namely, to prevent such things as that?

Mr. VESTAL. That is the purpose of the bill, of course.

Mr. KNUTSON. Can the gentleman justify any opposition to this bill?

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the standard hampers for fruits and vegetables shall be 1-peck hamper, one-half bushel hamper, 1-bushel hamper, and 1½-bushel hamper, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The standard 1-peck hamper shall contain 537.6 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 10½ inches; the inside diameter of the bottom shall be 6½ inches; the inside length of the staves shall be 9½ inches; the inside top hoop shall be one-tenth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 10½ inches long; and the bottom piece shall be one-half of an inch thick.

(b) The standard one-half bushel hamper shall contain 1,075.21 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 13 inches; the inside diameter of the bottom shall be 8½ inches; the inside length of the staves shall be 12 inches; the inside top hoop shall be one-ninth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-tenth of an inch thick and 12½ inches long; and the bottom piece shall be five-eighths of an inch thick.

Mr. GARD. Mr. Chairman, are we reading this bill for amendment by sections?

The CHAIRMAN. By sections.

Mr. GARD. I would suggest to the gentleman who has charge of the bill, representing the committee, that it might make for expedition and better work in the passage of the bill if we were to consider amendments as they would come by these lettered subdivisions. For instance, at the end of paragraph (a), that part of it, we can consider amendments to that, and then in the same way with the subdivisions following. If you wait until the end of the whole section, you will have a great accumulation of things, and it is difficult to understand them; so that if the gentleman will ask unanimous consent to consider amendments at the end of any subsection we would get along better.

Mr. VESTAL. I think in the interest of time it will be better to consider the bill by sections instead of by paragraphs.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) The standard 1-bushel hamper shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 15½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 19 inches; the inside hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and 20 inches long; and the bottom piece shall be five-eighths of an inch thick.

(d) The standard 1½-bushel hamper shall contain 3,225.63 cubic inches and conform to either of the following specifications:

(1) The inside diameter between staves at the upper edge of the top inside hoop shall be 16½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 26 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-sixth of an inch thick and 27 inches long; and the bottom piece shall be five-eighths of an inch thick.

(2) The inside diameter between staves at the upper edge of the top inside hoop shall be 16½ inches; the inside diameter of the bottom shall be 10 inches; the inside length of the staves to the upper edge of the top inside hoop shall be 23 inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge three-eighths of an inch below the upper ends of the staves; each stave shall be not less than one-eighth of an inch thick and 24 inches long; and the bottom piece shall be five-eighths of an inch thick.

With committee amendments, as follows:

Page 1, line 4, after the word "be," insert the word "the."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 1, line 4, after the word "hamper," insert the words "five-eighths bushel hamper."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 1, after line 7, insert:

"For the purposes of this act a quart standard dry measure has a capacity of 67½ cubic inches."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WINGO. Mr. Chairman, just at the moment I have forgotten the dry-measure table. Will my genial friend from Indiana [Mr. VESTAL], the chairman of the committee, tell me what is a standard dry-measure quart now?

Mr. BROOKS of Illinois. It is one-fourth of a gallon, which is 268.8 cubic inches, which would be 67.2 cubic inches.

Mr. WINGO. How much do you change it from this?

Mr. BROOKS of Illinois. It does not change it.

Mr. WINGO. Then what is the object of the amendment? Is it to state the existing standard?

Mr. VESTAL. Yes.

Mr. WINGO. A quart is already standardized, is it not?

Mr. McLAUGHLIN of Michigan. It is not uniformly used all over the country.

Mr. WINGO. In other words, you have not any criminal penalty for not using the standard, and the idea is to put the standard in here? Now, if a man happens to use a quart that is 67½ cubic inches, that would give the consumer an advantage, but under this bill he would be a criminal unless you would let the Secretary of Agriculture fix the differential. Is not that true? Nobody seems to know, and that is generally true, I find, about all these socialistic bills.

Mr. McLAUGHLIN of Michigan. If the gentleman asks me, I am not in charge of the bill, nor am I a member of the committee.

Mr. WINGO. I did not refer to the gentleman. I said "socialistic bills." I did not intend that as an assault upon my friend from Michigan. But this bill is typical of socialism. This bill "dampfoolishness gone to seed." You nowhere penalize a man and shut out of interstate commerce a basket that is not fully filled. You can go down here and buy articles in that way now, and if you standardize the container, unless you punish them for having a false measurement printed on it or unless you punish them for having it deceptively filled or packed, you are not going to protect the consumer. I am perfectly willing to punish the man who uses deceptive containers and make it unlawful to transport deceptive containers in interstate commerce, but under the Constitution we can only undertake to fix weights and measures. We can not determine the material. If we can provide the kind of material that must be used, we can say what color it shall be. We can not say how many staves there shall be. Under the provisions of this bill it absolutely puts out of business the basket that is used by the greatest peach

orchard in the world. Do the Members of the House think that is necessary in order to protect the public?

Mr. KELLER. What size is that basket?

Mr. WINGO. I could not give it to you according to the description in this bill, because I can not find any two men who can give the same explanation of the sizes or measures used in the bill.

Mr. KELLER. What is the difference?

Mr. WINGO. In the first place, it has one less stave in it. Again, I know they use a seven-eighths-inch bottom in the basket. You provide here for a five-eighths-inch bottom. If a man uses the seven-eighths-inch bottom, he is a criminal. It is absurd to limit the thickness of the bottom board to five-eighths of an inch. The members of the committee may have had experts before them who know what a hamper is. Maybe some one knows what a "resaw" is, and it may be that some one knows how these bottoms are resawed. I challenge the gentleman to take a thousand of these bottoms that are resawed and find them anywhere near uniform. He will not find 30 per cent of them that are of the same thickness. You can not do it. When I was a boy I had some experience in a mill where that kind of work was turned out. If the board is wet it may "gum," and if it strikes a knot, that will make it wobble, and one side will be thick and the other side will be thin. One side may be five-eighths of an inch thick, and the other side three-eighths of an inch. Yet if a man happens to use the same bottom in a half-bushel basket that he uses in that 1 peck, he has committed a criminal offense.

It shows that you are not doing what you say you do. I am willing to help you to punish fraud, but this is to do what? It is to build up another great mass of inspectors who will go nosing around throughout the country. I am sick and tired, for one, of authorizing people to go out as Federal officials and nose about spying on citizens. I want to take the hand of the Federal Government off of business. Let us define and fix a penalty for crime. Let us fix a standard against fraud, but for God's sake do not go and say that if a farmer happens to use an old basket and it has one splint more than the standard splint basket, or if he has a basket where the bottom has been destroyed or damaged and he picks up a piece of pine wood to repair it and that piece is too thick, although it makes the basket stronger, he is thereby made a criminal. This bill, I repeat, is "dampfoolishness gone to seed." [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

I call attention to the fact that this proposed committee amendment provides that a quart measure shall contain so many cubic inches, and there it stops. It does not provide how the quart measure shall be built, what its shape shall be, or what kind of material shall go into it. But later on in the bill when you get up to the peck measure you not only provide how many cubic inches it shall contain, but then you go on and provide how it shall be made, what shall go into it, and how it shall look after it is made. And so with the other larger containers provided for in the bill, up to the bushel and the bushel and a half. If it is necessary to standardize containers by putting in all of these specifications named, then the quart container is just as much a container as the peck container, or the half bushel, or the bushel, or the bushel and a half. If it is necessary to provide the shape, and how it shall look, and the dimensions at the bottom and the middle and the top, and the material, and how much of it, for the peck and half bushel, and the bushel and the bushel and a half, why is it not equally necessary to provide it for the quart container? This is just like that ridiculous resolution that you Republican colleagues brought in here the other day, on which you had two days' debate, that you called a peace resolution, to provide for peace with Germany, and forgot all about the state of war with the royal Government of Austria-Hungary. The resolution left them out entirely, left us up in the air in a state of war with the dual Government of Austria-Hungary, and declared by the House resolution that we had ceased to be at war with Germany. Why can not our friends on the other side of the aisle be consistent in these measures? Why can they not make them complete, sensible, and symmetrical? Why do they not make the same provisions with reference to the quart container that they do as to the larger ones? If it is necessary as to the others, it is necessary as to the quart measure. I am in favor of standard measures to prevent fraud, but I take the position that in providing a standard container for fruits and vegetables, when you provide that such container shall contain so many specified cubic inches you have gone just as far as is necessary in the law, and all the balance is just monkey business that you have brought in here

on this floor—just one more piece of typical Republican chicken-feed legislation. [Applause.]

The CHAIRMAN. The question is on the adoption of the committee amendment.

Mr. GARD. I desire to speak in favor of the amendment. I think the amendment is founded on some legislation which appears in the act of August 31, 1916, wherein the same identical phraseology is used. I presume it was the intent of the committee who had this in charge to designate what a dry-quart standard should be in order that the pecks and the half pecks and the other measures should be determined by some standard. So the dry quart is established in this bill as the measuring standard, and in the act of August 31, 1916, we provide for dry half pints, dry pints, and dry quarts, and the same language is used concerning quarts as is used here, in that subdivision (b) of section 1 provides that the dry quart shall contain 67.2 cubic inches, which is the same language as is used here. It would seem to me that in writing this bill, providing what shall be the contents of certain measures, when we make the quart the unit of measurement it is well to define the contents of the quart, and that is all that is attempted to be done here.

The CHAIRMAN. The question is upon the adoption of the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3 insert a new subsection as follows: "(c) The standard five-eighths-bushel hamper shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 14½ inches; the inside diameter of the bottom shall be 9 inches; the inside length of the staves shall be 12½ inches; the inside top hoop shall be one-eighth of an inch thick and set with its upper edge even with the upper ends of the staves; each stave shall be not less than one-ninth of an inch long and 13½ inches long; and the bottom piece shall be five-eighths of an inch thick."

The CHAIRMAN. The question is upon the adoption of the committee amendment.

Mr. QUIN. Mr. Chairman, I move to amend by striking out all after the first two lines of subsection (c).

The CHAIRMAN. It is not in the bill. That is the proposed amendment.

Mr. QUIN. Then I am opposed to the amendment for the reason that it specifies how the five-eighths bushel hamper shall be made. Gentlemen, you will understand that in California they make the five-eighths bushel hamper out of a kind of wood that is native to California and easy to obtain there. In Louisiana they make the hamper out of wood that is native there, and the same thing in Mississippi. This committee amendment would make the hamper costly and inconvenient and hard to get in some sections where they grow fruits and vegetables. I take it that the committee want a bill which, if it passes, will be practical and at the same time carry out the theory on which the committee are acting. If this amendment is agreed to, the producer and the ultimate consumer will pay an exorbitant price for this particular kind of container.

Mr. LAYTON. Will the gentleman answer a question?

Mr. QUIN. I yield to the gentleman from Delaware.

Mr. LAYTON. In view of the high cost of living, in view of the condition of the railroads of the country, in view of the shipper himself, suppose there was fixed by law a certain number of cubic inches in a package, but you did not fix the size and shape of it, you would have a tremendous loss by having a heterogeneous collection of containers, all with the same number of cubic inches, and of such different sizes that in the packing, handling, and transportation you would lose by the process.

Mr. QUIN. The people who are producing the vegetables are the ones who pay the freight. Now, the immediate community where they raise fruit and vegetables is going to furnish a hamper that will occupy the least room inside of the car and at the same time have the fruits and vegetables so packed that they will receive cool air. You can trust the people who are raising the truck. They are going to want a container of reasonable cost. Do you know that the cost of containers has quadrupled in the last six years? A container that cost 4 cents six years ago is costing 25 cents right now in my district. If you put this kind of a bill through and make it law, that container may cost 50 cents next year. So this committee ought to be careful in making specifications that will cost the ultimate consumer of these vegetables, the man who eats them, not only the difference in transportation but the difference in the cost of that container.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. SUMMERS of Washington. Does the gentleman know that the more containers made of any one size the cheaper they are bound to be, cheaper than making them in various sizes?

Mr. QUIN. That depends on the particular section. They do not use the five-eighths of a bushel very much in my country, but where they do use it it would be cheaper. The seven-eighths bushel is used almost universally in Mississippi, and, of course it would be cheaper to the producer and shipper and finally to the ultimate consumer. But you are putting it on the theory that you are going to have a certain kind of wood, a certain kind of nails, a certain thickness to it, a certain number of strips, and that will necessarily make it cost more. How are you going to get around it? You can have your five-eighths of a bushel hamper and you ought to have it, but we ought not to have the restrictions on it that you put on here. I think it would be a costly experiment, and I hope the committee will not adopt these specifications as set forth in the subsection.

Mr. GARRETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Page 3, line 2, after the word "inches," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Tennessee.

Mr. GARRETT. Mr. Chairman, if this amendment shall prevail, it will leave in the bill a declaration of a standard for the five-eighths bushel hamper. It will not, however, undertake to define the thickness of the planks or the diameter between the staves or any of those other incidental propositions.

If this amendment in the Committee of the Whole indicates that it is favored by the committee, I think it will be followed by the committee, or some one else, offering amendments that would make the same provision as to the other paragraphs in this section.

I think, Mr. Chairman, that there is very great force in the argument which I heard made a few moments ago by the gentleman from Arkansas [Mr. Wingo]. There is no doubt of the constitutional power of the Congress to declare a standard. In my opinion—and I have thought something of it since the bill was up here not very long ago having a similar purpose—there is, to say the least, very grave doubt as to the constitutional right of Congress to go into the question of undertaking to define the size and the material that shall go into the making up of these containers. It seems to me that Congress ought to be content to rest upon its clear, unquestionable constitutional power of declaring a standard and leaving these nebulous or doubtful questions untouched by the Government.

I have not had the opportunity of studying this bill with sufficient care to know just what effect it is going to have upon the vegetable market and upon the shipments of vegetables and fruit by the growers. In the section of the country that I have the honor to represent vegetable growing is a great industry. It is a matter of vital importance to that section. They are required now in the shipment of berries, the shipment of potatoes, and the shipment of peas to stamp on the packages the amount that the package contains. There is no probability of the consumer or the purchaser being defrauded.

The law at present is sufficient for the protection of the consumer. This legislation, to my mind, is but another imposition by the Federal power upon the daily habits and commercial customs of the community and of citizens without any corresponding benefit to the consumers or to the public generally in the results that will be obtained therefrom. I repeat that it is proper to exercise that unquestioned power which Congress has to declare a standard, and when we shall have done that we have done all the Constitution gives us a clear right to do and all that the public needs or demands. [Applause.]

Mr. CONNALLY. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. CONNALLY. I would like to ask the gentleman if under the interstate commerce clause we would have the power to make it unlawful to manufacture these crates in the sizes that are condemned by this bill.

Mr. GARRETT. I do not think so. Perhaps we might have the power to prevent a shipment in interstate commerce.

Mr. CONNALLY. I mean outside of the commerce power we would not have any power to prohibit the manufacture and sale?

Mr. GARRETT. I do not think so, not even under the interstate commerce clause. I think the whole thing must rest on the clause that Congress shall have the power to standardize weights and measures.

Mr. LAYTON. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LAYTON. I do not undertake to interpret the meaning of the constitutional provision, but is not there a provision for regulating commerce?

Mr. GARRETT. Regulating commerce between the States, and so forth.

Mr. LAYTON. Congress has the power to regulate commerce.

Mr. GARRETT. Interstate commerce, certainly.

Mr. LAYTON. Might not it have the power of regulation on the ground of great benefit to the public by regulating the size of the packages as well as the contents for the purpose of benefiting the roads and the shippers?

Mr. GARRETT. I do not think so. At any rate the bill is not predicated upon the commerce clause of the Constitution, but on the other provision of which I spoke.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I doubt the advisability of this Congress undertaking to describe how these containers shall be built, except as Congress prescribes their capacity, as the two lines on this page describe the number of cubic inches which must constitute the five-eighths bushel hamper. It occurs to me, listening to what the gentleman from Delaware says, that Congress has the right to control interstate commerce, that this bill is not based on that portion of the Constitution at all. This is establishing standards to be applied all over the country, in every locality and community throughout this country, where it will be the law if this bill be passed. After the bill becomes law, the manufacturer and user will find that the inside top hoop must be one-eighth of an inch thick; they will find that each stave shall be not less than one-ninth of an inch thick; and that the bottom piece shall be not less than five-eighths of an inch thick. Aside from the advisability of enacting such legislation as that, I very much doubt the power of Congress to enact it. In that respect I believe with the gentleman from Tennessee [Mr. GARRETT], and if it seems advisable, if we have the power, to say anything about the material of which the container shall be built, if it seems advisable to say that some of these parts shall be so thick, we certainly ought to say that they shall be not less than so thick, because we are considering only the inside capacity, and if the inside capacity meets the requirements, I do not know why we should say that the walls should be only so thick. Supposing the bottom piece is found to be six-eighths of an inch thick, why should the law say that it should be only five-eighths of an inch thick and make it a crime if it is one-eighth of an inch thicker? It makes it stronger. The interior capacity is prescribed; therefore nobody can be deceived as to the quantity of food products it contains. The interior capacity is there; that requirement can not be evaded. It is the outside of the container, the outside mold, that is affected if the material is too thick.

Mr. ANDERSON. Mr. Chairman, I dislike very much to find myself in disagreement with the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Michigan [Mr. McLAUGHLIN], because I have the highest opinion of the wisdom and sagacity of both of them, but it seems to me that if the amendment offered by the gentleman from Tennessee be adopted the purposes to be served by this bill will be entirely destroyed. The purpose of this bill is to prevent fraud, and fraud will not be prevented by simply providing that a five-eighths bushel basket shall contain a certain number of cubic inches. We recently had before the Committee on Agriculture, of which I have the honor to be a member, a bill which related to the use of packages which were made in a shape or form such as to deceive the purchaser. The testimony before that committee shows, I think, beyond any dispute whatever, that it is possible to take two bottles or two baskets or two boxes of exactly the same cubical content and make them in such form as to deceive the purchaser as to the quantity of the contents. You can take two baskets of different shapes, which may contain exactly the same number of apples or tomatoes of the same size, and yet to the purchaser one of them will seem very much larger than the other, and the purchaser will thereby be deceived. One of the purposes of this bill is to prevent that very thing.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GARRETT. Does not the law now require that the contents shall be stamped on each package?

Mr. ANDERSON. As to certain things I think that is so, but not as to everything.

Mr. GARRETT. I know that in the case of sweet potatoes—yams—that is the law, because people down in my country very innocently got into trouble because they did not stamp the contents.

Mr. ANDERSON. The gentleman is probably right about that, but the testimony before us indicated that notwithstanding the fact that as to those packages that were designated as containing 2 ounces or 4 ounces, or 6 pounds or 10 pounds, the shape

of them nevertheless led the purchaser to believe that he was getting more than he actually got.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. DEMPSEY. I just wanted to ask the gentleman one question which I think he ought to cover in his argument. Is there not this danger in prescribing the precise thickness, that you are going to add, in these days of exceedingly high-priced lumber, in all its varieties, very greatly to the enormous cost of the container to-day, and consequently will not this bill, if passed in the present form, absolutely limit you to a lumber container and exclude all composite boxes to which the trade is having recourse to-day in its efforts to economize?

Mr. ANDERSON. I do not think so myself, and if that were true some of the manufacturers of these boxes and users of these containers who were before the committee would undoubtedly have raised that question. Entirely aside from that particular phase of the proposition, there is a general provision in the bill which authorizes the Secretary of Agriculture to establish tolerances, and if he should find that it is desirable to permit the staves to be somewhat thicker or thinner than provided in this act, he would have that power under the permission to establish tolerances, in my judgment.

The gentleman from Tennessee raises the constitutional question with respect to this provision.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. In a moment. I am inclined to think that the gentleman from Tennessee is correct in that position. That is to say, I think the establishment of the number of cubic inches in a five-eighths bushel basket is a matter of establishing a standard, but when you come to say that the staves shall be so thick, and the bottom so thick, and that the staves shall be so far apart, it seems to me that the only possible chance of sustaining that proposition is upon the theory of a regulation of commerce, and that this bill does not contain any provision which does limit the operation of this act to those baskets or containers which do go into interstate commerce. That is a matter, however, which can be corrected, and I hope will be corrected, when we reach the appropriate section. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Mr. Chairman, I approve the general purposes of the bill, but its details I fear will not only confuse legislators but will be almost impossible of execution in the operation of commerce.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONTAGUE. For example, on page 2 of the bill, it is provided that the inside top hoop shall be one-tenth of an inch thick, and so forth. Why should Congress prescribe the thickness of an inside top hoop of a box, basket, or other container? This contemplates a wooden hoop, I take it.

Mr. ANDERSON. I imagine so.

Mr. MONTAGUE. Do we not know that a metal hoop, such as a wire hoop and an iron hoop, is now used, and I am told that one-sixteenth or one thirty-second of an inch of such material gives all the tensile strength necessary?

In addition, we do now know what will be the character of the materials out of which baskets and boxes must be made in the next two or three years, and therefore should Congress project such an iron-clad detail into the future? Should we not give some play to the ingenuity, the necessities, and inventions of the people who carry on the commerce of the country? Will not the exigencies of trade inexorably compel people who engage in it to adopt the proper materials out of which to manufacture these boxes and baskets?

Mr. ANDERSON. What the gentleman says may have some force, but the fact still remains that you can not protect the consumer of the articles which come in these boxes unless you do specify in great detail the character and the dimensions of the material which is to be used in the manufacture. You could take a basket with a one-half-inch bottom and put in a 2½-inch bottom, and make a one-half-bushel basket look like a five-eighths basket.

Mr. MONTAGUE. But I am addressing my remarks to the material out of which these containers must be made.

Mr. ANDERSON. There is nothing that specifies the material.

Mr. MONTAGUE. Why should we prescribe the material at all? And why should we prescribe a character of material to which perhaps you can not conform, or, if so, for only a few years?

Mr. ANDERSON. There is not anything that requires a basket to be made out of any particular material—

Mr. MONTAGUE. The bill requires that the top hoop shall be one-tenth of an inch thick.

Mr. ANDERSON. But that does not require it to be made of wood.

Mr. MONTAGUE. But why require a wood hoop to be one-tenth of an inch thick? And supposing there is no wood out of which to make it, what becomes of trade and commerce then? What does Congress know, in the very nature of things what can Congress know, of such mechanical details?

Mr. ANDERSON. The gentleman should not make such an assumption as that.

Mr. MONTAGUE. I am not making an assumption; I am reading the text of the bill.

Mr. ANDERSON. The gentleman is.

Mr. MONTAGUE. I am reading the mandate of the bill. Congress should confine its power to legislation and not extend it to administrative regulations. We should be cautious in our loading legislation with impracticable, if not impossible, requirements.

Mr. BROOKS of Pennsylvania. I would state that containers are on the market now made of metal.

Mr. ANDERSON. For the shipment of this class of articles?

Mr. WINGO. Certainly.

Mr. McLAUGHLIN of Michigan. We find in the bill that the Secretary may, if he finds it necessary in his regulations, prescribe specifically with respect to the material used.

Mr. ANDERSON. Well, I was not discussing that section.

Mr. McLAUGHLIN of Michigan. It arose in the colloquy with the gentleman from Virginia [Mr. MONTAGUE].

Mr. ANDERSON. That is very true, and when we get to that section we will discuss it, but I am discussing this section now. I rose to discuss the argument advanced by the gentleman from Tennessee and the gentleman from Michigan, and I hope I have done it successfully.

Mr. DEMPSEY. Mr. Chairman and gentlemen, western New York is a center for the production of food and vegetables, and in the past few years we have seen apple barrels go from 28 or 30 cents until to-day they are selling at a dollar and ten cents. I take it that this bill, while it does not say that this container shall be made of wood, really, from the specifications, restricts the material to wood, and the gentleman from Virginia very aptly asks, "Supposing we can not find the wood, what, then, is to become of the produce of the country?" That is not an impossible situation at all, since the enormous advance in the price of the barrel has grown out of the shortage of wood. There is not a single variety of lumber that has not gone up about four times the price it was even a year or 18 months ago, and we are now facing an actual famine. It is a practical condition that confronts us. As the gentleman from Virginia very well suggested, we sit down here, a body of men not experts in the making of these packages, and we attempt to prescribe to the manufacturers the material they shall use and precisely how they shall use it, and by doing that, first, we exclude from use all but one material, a material of which we are likely to have a shortage; and, second, we exclude the manufacturing community, as the gentleman from Virginia very aptly and very well said, from devising any better or simpler or cheaper or more expeditious way of making a basket or making a container, whatever it may be.

Mr. MACGREGOR. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. MACGREGOR. For the information of the gentleman, who comes from the same district practically, I was informed by a man who was interested in baskets within a very short time we will not be able to secure baskets for the Niagara fruit district this fall because of the shortage of wood and wire.

Mr. DEMPSEY. I understand that same thing. I understand men have contracted some months ago for baskets and to-day the situation is that you can not find anybody who will give you a contract to deliver baskets made of wood. They are beginning in my district to make baskets of composite.

Mr. CONNALLY. I would like to ask the gentleman what becomes of all these baskets that do not conform to these sizes? Will not the passage of this bill further restrict the supply of baskets by outlawing all of the baskets now in the business that do not conform to this bill?

Mr. DEMPSEY. I think that objection is taken care of by a subsequent clause in the bill, where they say this shall not take effect until six months after November next. But we have the next fruit crop to deal with, and we should not bind down these fruit and vegetable growers to a basket which they may find it impossible to obtain. This may be a very, very serious thing. We are legislating here in an iron-clad way, and we may

find that when the season comes we have passed a law which it is impossible to live up to in a practical way, and so it might become impossible to ship our fruits and vegetables.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MOORE of Virginia. I happen to know, from having been counsel in certain cases, that even before the war began there was a great shortage of material from which containers could be manufactured. Some had even gone to the extent of using the waste and scrap accumulated at the sawmills. I have not the slightest doubt that the point suggested by the gentleman is one that ought to be very gravely considered to determine whether or not we are legislating with complete information and with full appreciation of conditions as they actually exist.

Mr. DEMPSEY. I think the gentleman's suggestion is entirely right. Let me say a word. I have not any question but that the committee is animated by the very best and very highest purpose, and I sympathize with that purpose, and all I say is that they can reach their end, as the gentleman from Michigan [Mr. McLAUGHLIN] suggests, by specifying the number of cubic inches, and if it is not clear that such a law already exists provide for stamping the quantity on the outside of the container.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I surely will.

Mr. WOODS of Virginia. If an amendment were added containing the words "if made of wood," so that it would not eliminate the baskets made of paper or wire, and would not confine it, as the committee evidently intended, to baskets manufactured exclusively out of wood, would not that answer your objection?

Mr. DEMPSEY. I do not think it would quite, because you would be in danger then of prescribing conditions that might be impossible.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. As I said to the committee a moment ago, I am in entire sympathy with the purposes of this bill. I want to reach the same point that they desire to reach, and all that I suggest in relation to it is that we shall not pass legislation here that shall be so detailed, shall be so specific, shall go into such particulars, as to make the accomplishment of what we have in mind not alone impossible, but which would accomplish something we do not desire to do at all, and that is to make shipment of these products impossible. And it does seem to me, if the suggestion of the gentleman from Michigan is adopted, that we prescribe simply the cubic contents and have a provision that there shall be stamped upon each package its contents, we will have accomplished all that we can accomplish and all that it is safe to attempt to accomplish in regard to this legislation at this particular time.

Mr. LAYTON. Is the gentleman speaking by reason of protest on the part of manufacturers?

Mr. DEMPSEY. The only protests I have had, if the gentleman please, were not in regard to this bill, as to which I do not think my people are informed, but in regard to the apple-barrel bill, which passed some time ago.

Mr. LAYTON. I only wanted to bring out this fact—

Mr. DEMPSEY. But I am very familiar with this question of the manufacture of fruit packages, because I have been interested in the raising of fruit myself.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent for a minute myself in order to make a statement. I am familiar with the fact that numbers—I imagine a hundred—of different manufacturers who are in this business and who manufacture millions of these containers are themselves anxious to have these standard containers.

Mr. DEMPSEY. I have no question about that. No doubt they want the standard container, but they do not want specifications as to the way of manufacturing it prescribed. [Applause.]

Mr. RAINEY of Alabama. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Chairman, is it not the practice to make that request in the House instead of in the committee?

The CHAIRMAN. It is, unless there is no objection.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12350) to fix standards for hampers, round stove baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, and had come to no resolution thereon.

Mr. BROOKS of Pennsylvania rose.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WALSH. Will the gentleman withhold that a moment, so that the gentleman from Pennsylvania may submit a request?

Mr. BLANTON. I will withhold it for a moment.

Mr. BROOKS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RADCLIFFE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BLANTON. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

ADJOURNMENT.

Mr. VESTAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, April 22, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 13234) to correct the military record of Joseph Donnelly, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Private Calendar.

Mr. BABKA, from the Committee on Claims, to which was referred the bill (H. R. 11066) for the relief of the Shipowners' & Merchants' Tugboat Co., reported the same without amendment, accompanied by a report (No. 860), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TOWNER: A bill (H. R. 13723) providing for the loan of Army equipment to the Boy Scouts of America for their summer encampment at Creston, Iowa; to the Committee on Military Affairs.

By Mr. BOX: A bill (H. R. 13724) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: A bill (H. R. 13725) to provide for the appointment of a Federal coal commissioner, to define his powers and duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON (by request): A bill (H. R. 13726) to regulate the shipment in interstate commerce of milk and cream and for other purposes; to the Committee on Agriculture.

By Mr. POU: Resolution (H. Res. 528) providing suitable desks in the Hall of the House of Representatives for the Members of the Sixty-sixth Congress; to the Committee on Accounts.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 529) authorizing a special committee of the House to make an investigation regarding the distribution of sugar; to the Committee on Rules.

By Mr. JUUL: Joint resolution (H. J. Res. 342) to provide additional compensation for employees of the Postal Service and making appropriation therefor; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREYS: Joint resolution (H. J. Res. 343) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. TINKHAM: Memorial of the Legislature of Massachusetts relative to the action of the United States Government in respect to certain Italian boundaries; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13727) granting an increase of pension to P. M. Gaskill; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13728) for the relief of the legal representative of the estate of William H. Roper, deceased; to the Committee on Claims.

By Mr. GANLY: A bill (H. R. 13729) granting an increase of pension to William Riley; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 13730) granting a pension to Emily W. Johnson; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 13731) granting an increase of pension to John Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) granting a pension to Nathaniel Bittner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13733) granting a pension to Frederick Dupont; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 13734) granting a pension to Antonette Dierken; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 13735) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 13736) granting a pension to Susanna Spencer; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13737) granting a pension to Taylor Hall; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13738) granting a pension to Sarah Sipes; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13739) granting a pension to George W. Jackson; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 13740) granting an increase of pension to Rebecker G. Foot; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 13741) granting an increase of pension to Warner M. Ellis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3113. By the SPEAKER: Petition of Wooden Box Manufacturers' Association of New York, favoring a revision of the anti-trust laws; to the Committee on the Judiciary.

3114. Also, petition of H. H. Merrick, president Mississippi Valley Association, of St. Louis, opposing the Comer amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

3115. By Mr. BOWERS: Petition of United Brethren Church, Burlington, W. Va., protesting against universal military training; to the Committee on Military Affairs.

3116. By Mr. DYER: Petition of Los Angeles (Calif.) post-office employees, favoring enactment of legislation for the revision of salaries in the Post Office Department; to the Committee on Reform in the Civil Service.

3117. Also, petition of National Printing & Engraving Co., of St. Louis, Mo., opposing the passage of House bill 12976; to the Committee on Ways and Means.

3118. Also, petition of Joseph T. Hague, of Elizabeth, N. J., favoring the passage of House bill 9029; to the Committee on the Judiciary.

3119. Also, petition of the United Construction Co. and Wimmer Contracting Co., of St. Louis, Mo., favoring the passage of House bill 13390; to the Committee on Naval Affairs.

3120. Also, petition of the Morey Mercantile Co., Denver, Colo.; Alton Mercantile Co., Enid, Okla.; the Jett & Wood Mercantile Co., Wichita, Kans.; A. H. Perfect & Co., Fort Wayne, Ind.; and the Austin-Taylor Grocery Co., Austin, Tex., favoring the passage of House bill 263; to the Committee on the Judiciary.

3121. Also, petition of Missouri State Dental Association, protesting against the proposed tariff on dental instruments; to the Committee on Ways and Means.

3122. Also, petition of Hawarth & Dewhurst (Ltd.), of Pittsburgh, Pa., favoring legislation making commercial bribery a crime; to the Committee on the Judiciary.

3123. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, of Washington, D. C., favoring the enactment of the Capper-Hersman bill; to the Committee on Agriculture.

3124. By Mr. EMERSON: Petition of transportation committee of the Cleveland Chamber of Commerce, in relation to the coal situation and car shortage; to the Committee on Interstate and Foreign Commerce.

3125. By Mr. FULLER of Illinois: Petition of Local Union No. 303, United Mine Workers of America, Orient, Ill., favoring amnesty for political prisoners and the repeal of the espionage law; to the Committee on the Judiciary.

3126. Also, petition of the Chicago Carton Co., favoring the repeal of the excess-profits tax, etc.; to the Committee on Ways and Means.

3127. Also, petition of the Women's Auxiliary of Walter Craig Post, American Legion, Rockford, Ill., relative to the bonus for the ex-service men and women of the World War; to the Committee on Ways and Means.

3128. Also, petition of the Business Men's Association of Peru, Ill., regarding the unsatisfactory postal service, etc.; to the Committee on the Post Office and Post Roads.

3129. Also, petition of the United Indian War Veterans, for increase of pension; to the Committee on Pensions.

3130. By Mr. GALLIVAN: Petition of Roger Casement Branch, Friends of Irish Freedom, of Boston, Mass., favoring the freedom of Ireland; to the Committee on Foreign Affairs.

3131. Also, petition of Howes Bros. Co. and Purity Oats Co., of Boston, Mass., regarding taxation; to the Committee on Ways and Means.

3132. Also, petition of Women's Educational and Industrial Union of Boston, Mass., regarding legislation for State censorship of motion pictures; to the Committee on Ways and Means.

3133. Also, petition of American Legion, Ludlow Post, No. 52, of Ludlow, Mass., and 10 other citizens of Boston, Mass., favoring cash bonus for soldiers; to the Committee on Ways and Means.

3134. Also, petition of Federal Employees' Local, of Boston, Mass., favoring retirement for civil-service employees; to the Committee on Reform in the Civil Service.

3135. Also, petition of F. L. & J. C. Codman Co., Joseph E. Sager, George Mortimer & Co. (Inc.), opposing the Steagall bill, H. R. 12379; to the Committee on Banking and Currency.

3136. By Mr. HILL: Petition of the city Council of Spokane, Wash., for the enactment of House bill 10518, to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

3137. By Mr. JOHNSTON of New York: Petition of Wooden Box Manufacturers' Association of New York, favoring a revision of the antitrust laws; to the Committee on the Judiciary.

3138. By Mr. KELLEY of Michigan: Petition of Mrs. J. G. Rulison and 70 other residents of Lansing, Mich., in favor of legislation to provide maternity and infant-welfare aid; to the Committee on Interstate and Foreign Commerce.

3139. By Mr. LINTHICUM: Petition of Emory L. Stinchcomb, Baltimore, Md., relative to the claims against the United States Railroad Administration; to the Committee on Interstate and Foreign Commerce.

3140. Also, petition of Hynson, Westcott & Dunning, Baltimore, Md., relative to House bill 12976; to the Committee on Ways and Means.

3141. Also, petition of Morgan Millwork Co., Baltimore, Md., protesting against House bill 12379, also House bill 12646; to the Committee on Banking and Currency.

3142. Also, petition of Baltimore Chapter of the Southern Association of College Women, favoring legislation creating a Federal department of education; to the Committee on Education.

3143. Also, petition of Charles D. Jones, L. W. Passano, Montaucon Post, American Legion, and Burton H. Erdman, all of Baltimore, Md., favoring enactment of legislation granting a bonus to ex-service men; to the Committee on Ways and Means.

3144. Also, petition of J. Arthur Nelson, Baltimore, Md., relative to the repeal of certain sections in the revenue act of 1918; to the Committee on Ways and Means.

3145. Also, petition of the Maryland League for National Defense, Baltimore, Md., urging universal military training, etc.; to the Committee on Military Affairs.

3146. By Mr. MERRITT: Petition of executive committee of the Connecticut Bankers' Association, opposing the passage of the Steagall bill, H. R. 12379; to the Committee on Banking and Currency.

3147. By Mr. O'CONNELL: Petition of Navy Legal Aid Association of New York, favoring immediate action by the House on the Wadsworth bill; to the Committee on Military Affairs.

3148. By Mr. RAKER: Petition of Fred S. Bebergall, department adjutant, American Legion, San Francisco, Calif., urging the passage of House bill 13293; also House bill 13291; to the Committee on Interstate and Foreign Commerce.

3149. Also, petition of Trinity Post, No. 163, Weaverville, Calif., urging the support of the bill giving bonus to the ex-service men of the World War; to the Committee on Ways and Means.

3150. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, of Washington, D. C., urging the support of the Capper-Hersman bill; to the Committee on Agriculture.

3151. By Mr. ROWAN: Petition of Navy Legal Aid Association of New York, favoring immediate action by the House on the Wadsworth bill; to the Committee on Military Affairs.

3152. By Mr. SINCLAIR: Petition of the Playground Club of Kenmare, N. Dak., indorsing the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, April 22, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to our task to-day with thought of the splendid achievements of our fathers, who with brave hearts and unconquerable spirit and devotion to the high principles of justice and reverence toward Thy name laid strong and well the foundations of our national life. We pray that we may, emulating their example, follow on to accomplish that which they so well began. Give us Thy blessing to-day to this end. We ask for Christ's sake. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12460. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union;

H. R. 12824. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union;

H. R. 13138. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916; and

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. ANTHONY, Mr. MCKENZIE, Mr. DENT, and Mr. FIELDS managers at the conference on the part of the House.

The message further announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, further insists upon its disagreement to the amendment of the Senate numbered 53 to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD of Indiana, Mr. WASON, and Mr. Sisson managers at the further conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; and